IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.8071 OF 2024
IN
FIRST APPEAL NO.1310 OF 2016

Maya Bapu Dhere and others … Applicants

IN THE MATTER BETWEEN:

The Oriental Insurance Co. Ltd, Satara Branch

Versus

Maya Bapu Dhere and others … Respondents

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Mr. Shailesh Chavan, for Applicants.

Mr. Sanjay Krishnan, for Respondent – (Original Appellant) – Insurance Company.

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CORAM : M. M. SATHAYE, J.

DATE : 01.04.2026.

P. C. :

1. Heard learned counsel for the parties.

2. This is an Application by Claimants in an accident claim, to withdraw the amount deposited by the Appellant – Insurance Company.

3. Learned Advocate for the Applicants submitted that entire family of the deceased i.e Claimants were totally dependent on the income of the deceased for livelihood. It is submitted that Applicant No.1 is widow having responsibility of three minor children, and as such, she is in dire need of money.

4. Learned Advocate for the Appellant – Insurance Company, on the other hand, submitted that the alleged income earned from the business of sheep and livestock is not supported by any documentary evidence and therefore amount assessed by the Tribunal is on the higher side.

5. I have perused paragraph Nos.13 to 15 of the impugned judgment. The Tribunal has considered Rs.1,20,000/- as yearly income including future prospects. Considering the nature of claim and the fact that the Applicants are deprived of the amount under impugned order since January, 2016 when the impugned order was passed, in my view, 50% withdrawal on usual undertaking can be permitted.

6. Hence, Application is **partly allowed** by passing the following order;

(i) Subject to the Applicants filing an undertaking in the concerned Tribunal at Satara, stating that the amount withdrawn shall be subject to final outcome of the Appeal and it shall be brought back with interest if so directed by the Court, the Applicants are jointly permitted to withdraw 50% of the amount deposited with accrued interest, if any.

(ii) Rest of the amount be invested as per prevailing practice.

7. All concerned to act on duly authenticated or digitally signed copy of this order.

[M. M. SATHAYE, J.]