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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 135 OF 2026
IN
FIRST APPEAL NO. 1625 OF 2025

Chandani Shashikant Jankar And Ors. ...Applicants
Versus
Nitin Balu @ Balaso Madane And Ors. ...Respondents

In the matter between
Shriram General Insurance Co. Ltd. Rajasthan ...Appellant
Versus
Chandani Shashikant Jankar And Ors. ...Respondents

Mr. Rushikesh Thakur for Applicant Nos.1 to 5.
Ms. Aditya Ghadge h/f. Shalini Shankar for Appellant.

CORAM : M.M. SATHAYE, J.

DATE : 11th MARCH, 2026

P.C. :

1. Heard learned counsel for the parties.
2. This is an application by claimants seeking withdrawal of the amount deposited by the Appellant Insurance Company. The Tribunal has awarded an amount of Rs.69,50,000/- to the Claimants with interest @ 7% p.a. from the date of filing of claim petition till realization.
3. It is not disputed that the amount is deposited in the concerned Tribunal by the Insurance Company.

4. Learned counsel for the Applicants submitted that Applicants are widow, children and parents of the deceased. He submitted that the children are school going and the parents are of old age and therefore there is education as well as medical expenses required to be incurred, for which the amount of compensation is required to be released. He submits that so far, no amount has been withdrawn by the Claimants.

5. On the other hand, learned counsel for the Insurance Company opposed the application contending *inter alia* that the income considered by the Tribunal is on the higher side when latest income tax record indicated much lower amount. He further submitted that the driver of the motorcycle on which the deceased was riding as pillion was negligent and had come to the middle of the road and therefore there is contributory negligence, which is not considered by the Tribunal.

6. Considering the above submissions and on the basis of the relevant discussion in paragraph Nos.12 & 15 of the impugned Judgment, in my view, the Applicants can be permitted to withdraw 50% amount on usual undertaking.

7. Hence, **the application is disposed of** by following order :

(a) Subject to the Applicants' filing usual undertaking in the concerned Tribunal, stating that the withdrawn money shall be subject to final outcome of appeal and withdrawn money will be brought back with interest as may be directed by the Court, the Applicants together are permitted to withdraw 50% of the deposited

in the Court with accrued interest if any.

(b) Remaining amount shall be invested as per prevailing practice.

(M.M. SATHAYE, J.)