

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

INTERIM APPLICATION NO. 161 OF 2026
IN
FIRST APPEAL NO. 1301 OF 2025

Radhika Bandu Raut And Ors. ... Applicants

IN THE MATTER BETWEEN.

Liberty General Insurance Ltd. ... Appellant (Orig Res No. 2.)

Versus

Radhika Bandu Raut And Ors. ... Respondents

Mr. Rupesh Bobade for the Applicants.

Mr. Aditya Ghadge h/f Mr. Phatak Sachin for the Appellant-Insurance Company.

CORAM : M. M. SATHAYE, J.

DATE : 18th March, 2026.

P. C. :

1. Heard learned Counsel for the parties.
2. This is an application filed by the claimants seeking withdrawal of the amount deposited by the Appellant–Insurance Company before the Tribunal.
3. Learned counsel for the Applicants submitted that the Claimants are the wife, children, and parents of the deceased, who was earning from agricultural income. He submitted that the deceased was the sole breadwinner of the family and that Claimants were dependent on the income of the deceased for their survival and welfare. He further submitted that the children of the deceased are pursuing their education and require financial support, and that the aged parents require funds for medical expenses.

4. Learned counsel for the appellant–Insurance Company opposed the application, contending, inter alia, that the only income claimed in the present case is from agriculture and, therefore, the source of income has not been lost. It is further contended that the loss assessed by the Tribunal at ₹300 per month towards supervision charges is on higher side. He also submitted that a deduction of one-fourth (1/4) ought to have been applied instead of the one-fifth (1/5) applied by the Tribunal.

5. Considered the submissions. Perused the impugned judgment, particularly paragraph Nos. 17 and 18 thereof. Considering that the loss has been assessed as supervision charges and that the source of income i.e. agricultural land, continues, in my view, at this stage, withdrawal of 50% of the amount can be permitted on undertaking. Hence, the following order is passed:

(a) Subject to the Applicants filing an undertaking before the Motor Accident Claims Tribunal, Solapur, stating that the amount withdrawn shall be subject to the final outcome of the Appeal and that the Applicants shall bring back the amount withdrawn along with such interest as may be directed by the Court, the Applicants are permitted to jointly withdraw 50% of the amount deposited by the Appellant–Insurance Company along with accrued interest, if any.

(b) The remaining amount be invested as per the prevalent practice.

6. Interim Application is disposed of in the above terms.

[M. M. SATHAYE, J.]