

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

INTERIM APPLICATION NO. 184 OF 2026  
IN  
FIRST APPEAL NO. 1355 OF 2025

Gauri Jayant Sawant And Ors. ... Applicants

**IN THE MATTER BETWEEN**

Liberty General Insurance Ltd. ... Appellant

**Versus**

Gauri Jayant Sawant And Ors. ... Respondents

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Mr. Rupesh Bobade for the Applicants.

Mr. Aditya Ghadge h/f Mr. Phatak Sachin for the Respondent.

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**CORAM : M. M. SATHAYE, J.**

**DATE : 18<sup>th</sup> March, 2026.**

**P. C. :**

1. Heard learned counsel for the parties. This is an application filed by the claimants seeking withdrawal of the amount deposited by the Appellant/Insurance Company with the concerned Tribunal.

2. Learned counsel for the Claimants submitted that the deceased was an agriculturist with a small hotel business and was the sole bread-winner of the family. He further submitted that all the Claimants were fully dependent on the income of the deceased for their survival and welfare. He further submitted that Applicant Nos. 2 and 3, who are minor children of the deceased, are pursuing their education and require financial support. It is also submitted that Applicant No. 4, the mother of the deceased, requires funds for her medical expenses.

3. On the other hand, learned counsel for the Appellant–Insurance Company submitted that the income of the deceased from the alleged hotel business as well as agricultural activities has been assessed on the higher side. He submitted that the alleged income from the hotel business requires appropriate reduction.

4. Considered the submissions. Paragraph Nos. 17 to 19 of the impugned judgment have been perused. The Tribunal has considered the statement of account of the small-savings-deposits of the deceased for determining the income from the hotel business and has also relied on the revenue records for assessing the loss of supervisory charges, thereby arriving at an additional figure.

5. Considering that the amount has been granted based on the material placed on record, at this stage, in my view, withdrawal of 50% of the amount can be permitted on the usual 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Subject to the Applicants filing an undertaking before the Motor Accident Claims Tribunal, Solapur, stating that the withdrawn amount shall be subject to the final outcome of the appeal and that the Applicants shall bring back the amount withdrawn, along with such interest as may be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) Remaining amount be invested as per the prevalent practice.

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

[ M. M. SATHAYE, J. ]