IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.6092 OF 2026
IN
FIRST APPEAL (ST) NO.32341 OF 2024

Indubai Balaji Jadhav & Anr. .... Applicants

IN THE MATTER BETWEEN :

The New India Assurance Co. Ltd. …. Appellant
versus
Kavita Kundan Jadhav & Ors. .... Respondents

.....

- Mr. Devendranath S. Joshi, Advocate for original Appellant in FA.
- Mr. Sachin Gite, Advocate for the Applicants in IA.

CORAM : SARANG V. KOTWAL &
RANJITSINHA RAJA BHONSALE, JJ.
DATE : 12th OCTOBER, 2026

P.C. :

1. This is an application for permission to allow the Applicants to withdraw the entire amount of award deposited in their names, along with the proportionate interest accrued thereon as of today.

2. The Applicants were the original Respondent Nos.5 and 6 in MACP No.954 of 2015 before the Member, MACT, Nashik.

MANUSHREE NESARIKAR

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The main Petition was filed by the wife and daughter of the deceased, Dr. Kundan Jadhav. He was son of the present Applicants. The learned Member, MACT, Nashik, vide his Judgment and Award dated 29/12/2023, was pleased to direct the original Respondent Nos.3 and 4 before the Tribunal to pay Rs.99,64,465/-, with interest at the rate of 7.5 per annum from the date of the Petition till realization of the amount. Out of the said amount, Rs.10 lakhs each were directed to be paid to the present Applicants.

3. We are informed that the Original Appellant, i.e. the Insurance Company, has deposited the entire amount before the MACT, Nashik.

4. Learned counsel appearing for the Original Appellant i.e. the Insurance Company strongly opposed grant of this application. The learned counsel for the Applicant and the learned counsel for the Original Appellant both referred to a copy of the order dated 04/09/2025 passed in Interim Application No.9356 of 2025 in First Appeal (Stamp) No.32341

of 2024. Vide that order, another Bench of this Court had permitted the original claimants to withdraw 20% of the deposited amount. Learned counsel for the Insurance Company/Original Appellant submitted that the prayer for withdrawal of the entire amount, may not be granted.

5. Learned counsel for the Applicants submitted that the Applicants are the parents of the deceased. They are in their 70s. The father is 74 years and the mother is 72 years of age. They are in need of the money in their old age. If they are not given this money urgently, the award will be meaningless. They are not residing with the other claimants.

6. We have considered these submissions, and we also considered the order dated 04/09/2025 passed in the other Interim Application. Though the other claimants were permitted to withdraw 20% of their claim amount, in the case of present Applicants, we are inclined to permit withdrawal of 50% of their total claim amount that will help them in their old age. The Appeal is not likely to be decided in near future.

7. Hence, the following order :

O R D E R

(i) The Applicants are permitted to withdraw 50% of the claim sanctioned in their favour with accrued interest.

(ii) With this direction, the Application is disposed of.

(RANJITSINHA RAJA BHONSALE, J.) (SARANG V. KOTWAL, J.)