IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.94800 OF 2020
WITH
INTERIM APPLICATION NO.3052 OF 2021
WITH
INTERIM APPLICATION NO.3053 OF 2021

Reliance Gen. Ins. Co.Ltd …Appellant
Vs.
Kum. Kamaleshwari Rajaram
Jadhav (Minor) Through M
Other Smt. Ujwala Rajaram
Jadhav And Ors. ...Respondents

WITH
INTERIM APPLICATION NO.8068 OF 2026
IN
FIRST APPEAL (ST) NO.94800 OF 2020

Kum. Kamaleshwari Rajaram
Jadhav (Minor) Through M
Other Smt. Ujwala Rajaram
Jadhav And Ors. ...Applicants

In the matter between:

Reliance Gen. Ins. Co.Ltd …Appellant
Vs.
Kum. Kamaleshwari Rajaram
Jadhav (Minor) Through M
Other Smt. Ujwala Rajaram
Jadhav And Ors. ...Respondents

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Ms. Khushi Awasthi i/b Ms. Kalpana Trivedi	Advocate for the Appellant.
Mr. T. J. Mendon	Advocate for the Respondent.

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CORAM : S. M. MODAK, J.

DATE : 13th OCTOBER 2026

P. C. :-

INTERIM APPLICATION NO.8068 OF 2026

1. Heard learned advocate for the Appellant and learned advocate for the Insurance Company.

2. The Tribunal as per the award dated 12th July 2019 has quantified the compensation at Rs.17,51,853/- along with other benefits. She was a college going student. She was eligible to get admission to Civil Engineering, she could have received at least Rs.15,000/- per month. It is submitted that she is on bed and she required a helper.

3. Appeal is yet to be admitted. It is on the ground of quantum. Admittedly, the injured is not having income. At the most Rs.15,000/-

p.m. can be reduced.

4. After hearing both the sides, I am inclined to grant 80% withdrawal. It is opposed on behalf of the Insurer. When the appeal is only on the ground of quantum, 80% can be permitted. Hence the order:

ORDER

i. The Applicant/Claimant is permitted to withdraw 80% of the deposited amount along with corresponding interest on furnishing usual undertaking.

ii. Tribunal to do the needful.

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5. Heard learned Advocate for the Applicant-insurer and learned Advocate for Respondent-Injured. He waives service. There is delay of one year 27 days in preferring the appeal. For the reasons stated in the Application, the delay is condoned. Interim Application is disposed of.

6. Appeal be registered.

7. Issue notice to Respondents. Learned advocate waives notice. Let copy of memo appeal be served on him. Respondent Nos.2 and 3 are the first and the subsequent owner. When there is no defence about

breach of policy, their presence is not required. Even Respondent - Sayyed was ex-parte before the Tribunal whereas respondent Rajesh Gujar has contested the proceedings and submitted that he has sold away the vehicle to Respondent-Sayyed. Considering the grounds in appeal, their presence is not required because there is no ground of defence about breach of policy. Notice to Respondent Nos. 2 and 3 is dispensed with.

8. Appellant to file compilation of documents.

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9. Stand over to 22nd December 2026.

[S. M. MODAK, J.]