

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1598 OF 2025
WITH
INTERIM APPLICATION NO. 10814 OF 2025
WITH
INTERIM APPLICATION NO. 27 OF 2026
IN
FIRST APPEAL NO. 1598 OF 2025

Shriram General Insurance Co. Ltd. ...Appellant
Versus
Hiren Dinesh Heliya And Ors. ...Respondents

Mrs. Shalini Shankar, (through V.C.) for the Appellant.
M. Kavita Anchan, for the Respondents.

CORAM: R. M. JOSHI, J.

DATED: 6th JANUARY 2026

PC:-

FIRST APPEAL NO. 1598 OF 2025

1. By consent of both the sides, stand over to 17th February, 2025.

INTERIM APPLICATION NO. 27 OF 2026

2. This Application is filed by the original claimant for withdrawal of the amount of compensation deposited by the Appellant/Insurer before the Tribunal in pursuant to Judgment and Award dated 8th May, 2025 passed in MACP No. 926 of 2016.

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3. It is the contention of the learned Counsel for the Applicant/ original claimant that on account of the injury sustained in the accident, the claimant has suffered 40% disability. It is his submission that for the purpose of further medical treatment, the withdrawal of the amount be allowed.

4. Learned Counsel for the Appellant resisted the application, essentially on the ground that the Appellant has been filed challenging the quantum of compensation and in such circumstances, the Application may not be allowed.

5. No doubt, the Appeal has been filed on the point of quantum of the compensation, there is no dispute with regard to the involvement of the offending vehicle in the accident so also, the insurer of the said vehicle.

6. In such circumstances, it would be appropriate to permit 50% amount to be withdrawn by the claimant. Hence, following order.

ORDER

a) The Application is allowed.

b) The Appellant/claimant is permitted to withdraw 50% amount alongwith accrued interest thereon on usual undertaking.

c) Application stands
disposed of accordingly.

(R. M. JOSHI, J.)