

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 8709 OF 2025
WITH
INTERIM APPLICATION NO. 7452 OF 2025
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INTERIM APPLICATION NO. 7453 OF 2025
IN
FIRST APPEAL (ST) NO. 8709 OF 2025

Cholamandalam Ms General Insurance Co. Ltd ...Appellant
Versus
Supreme Facility Management Pvt. Ltd. And Anr. ...Respondents

WITH
INTERIM APPLICATION NO.468 OF 2026
IN
FIRST APPEAL (ST) NO. 8709 OF 2025

Supreme Facility Management Pvt. Ltd ...Applicant
Versus
Cholamandalam Ms General Insurance Co. Ltd ...Respondent

Mr. Rajesh Kanojia, i/b Res Juris, for the Appellant.
Ms. Vaishnavi Gujarathi, with D. Sanket, for the Applicant in IA No.
468/2025 and for Respondent in Appeal.

CORAM: R. M. JOSHI, J.

DATED: 21st JANUARY, 2026.

PC:-

INTERIM APPLICATION NO.468 OF 2026

1. This Application is filed by the Original Claimant for withdrawal of the compensation amount deposited by the Appellant pursuant to order dated 22nd April 2025.

2. Learned counsel for the Applicant submits that the Applicant/Original Claimant would be entitled to withdraw entire amount of compensation deposited by the Insurer.
3. Learned counsel for the Insurer opposed the said contention by drawing attention of the Court to the ground of appeal, i.e, liability towards the third party property damages is limited to the extent of Rs.7,50,000/-. It is thus, his submission that entire amount cannot be permitted to be withdrawn.
4. Having regard to the ground of Appeal taken by the Appellant, it would not be appropriate to permit the Original Claimant to withdraw entire amount of compensation deposited by the Insurer.
5. However, there is no impediment to allow withdrawal of the compensation to the extent of Rs.7,50,000/- with accrued interest.
6. Hence, the following order:

ORDER

- (i) The Applicant/Original Claimant is permitted to withdraw a sum of Rs.7,50,000/- with accrued interest from the amount deposited by the Insurer pursuant to order dated 22nd April 2025 on usual undertaking.
- (ii) Interim Application is accordingly, partly allowed and disposed of.

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7. Learned counsel for the Respondent No.1/Original Claimant undertakes to file compilation of documents/evidence on or before the next date of hearing.

8. By consent of both sides to be heard finally on **20th February 2026.**

(R. M. JOSHI, J.)

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signed by
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NILESH
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