

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 706 OF 2026

IN

FIRST APPEAL NO. 1921 OF 2025

WITH

FIRST APPEAL NO. 1921 OF 2025

(Not on board. Taken on board)

Rajiya Sadik Ali Shaikh And Ors. ...Applicant

IN THE MATTER BETWEEN

Kotak Mahindra General Insurance Co. Ltd. ...Appellant

Versus

Rajiya Sadik Ali Shaikh And Ors. ...Respondents

Mr. Deepak S. Kilje, for the Applicants/Respondents.

Mr. T. R. Kale i/b Mr. Sarthak Diwan, for the Appellant.

CORAM: R. M. JOSHI, J.

DATED: 27th JANUARY, 2026.

PC:-

1. This Application is for withdrawal of the amount of compensation deposited by the appellant/insurer pursuant to the order dated 6th October, 2025, passed by this Court.

2. Learned Counsel for the respondents/original claimants submits that having regard to the impugned Judgment and Award, and the ground raised by the insurer, there would not be any impediment in permitting withdrawal of entire amount of compensation.

3. Learned Counsel for the appellant/insurer vehemently opposed the application by contending that this is a case wherein the deceased could be held to be negligent in occurrence of the accident. He also submits that the Tribunal has granted excessive compensation.

4. *Prima facie*, perusal of the record indicates that no evidence was led by the insurer or the owner of the offending vehicle indicating any negligence on the part of the deceased in occurrence of the accident. Similarly the computation of compensation has been done on the basis of notional income at the rate of Rs.15,000/- per month.

5. This Court finds no substance in the contention of the learned Counsel for the appellant/insurer.

6. In the aforestated facts, this is a fit case to permit the respondents-claimants to withdraw entire amount deposited by the appellant/insurer.

7. Hence, following order.

ORDER

a) Application stands allowed in terms of prayer clause (a).

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

c) Application stands disposed of accordingly.

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1. Heard.
2. Admit.
3. Call Record and Proceeding.

(R. M. JOSHI, J.)