

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.708 OF 2026
IN
FIRST APPEAL NO.258 OF 2025

Asha Sanjay Gavande and ors. ... Applicants
Versus
The Divisional Manager, Reliance General ...Respondent
Insurance Company Limited, Nashik.

Mr. Pritesh K. Bohade, for the Applicants.
Mr. Avesh Ghadge (through V.C.) i/by Mr. Akshay Kulkarni, for the
Respondent.

CORAM: R. M. JOSHI, J.

DATED: 28th JANUARY, 2026.

PC:-

1. This application is filed by the Claimants for withdrawal of the amount of compensation deposited by the Appellant/Insurer pursuant to the order dated 17th December, 2024.

2. Learned counsel for the Appellant/Insurer opposes the Application on the ground that the Appeal has been filed on the point of negligence, quantum of compensation. It is his contention that the order passed by the Tribunal of pay and recover ought not to have been passed and Insurer is required to be exonerated.

3. Perusal of the record indicates that though the Original Claimants are not entitled to seek withdrawal of entire amount, there will be no impediment in permitting withdrawal of 50% amount with accrued interest.
4. Interim Application is partly allowed.
5. The Applicants/Claimants are entitled to receive 50% compensation deposited by the Appellant pursuant to order dated 17th December, 2024 on usual undertaking.

(R. M. JOSHI, J.)