

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13261 OF 2025

IN

FIRST APPEAL (ST.) NO.482 OF 2023

WITH

INTERIM APPLICATION NO.13306 OF 2025

IN

FIRST APPEAL (ST.) NO.485 OF 2023

Divisional Manager, United India Insurance
Company Limited

...Appellant

Versus

Pravin Ganesh Davale and anr.

...Respondents

Ms. Varsha Chavan, for the Appellant in both the matters.

Ms. Aishwarya Hinge i/by Mr. Saurabh Butala, for the Respondent
No.1.

CORAM: R. M. JOSHI, J.

DATED: 18th FEBRUARY, 2026.

PC:-

1. These applications are for withdrawal of the amount of compensation granted in favour of the Claimants by the Tribunal by judgment and order dated 1st July, 2022, and deposited pursuant to order of this Court dated 6th February, 2023.

2. Learned counsel for the Claimants submits that Claimants have succeeded in proving their claim before the Tribunal and as such, the entire amount may be allowed to be withdrawn.

3. Learned counsel for the Appellant opposed the said contention by drawing attention of the Court to the impugned judgment and award which according to her indicates that there is no justification for grant of compensation for other expenses of Rs.75,000/- and the loss of actual income.

4. Even if contention of the learned counsel for the Appellant that it is accepted to be correct, Appellant would not succeed to seek setting aside of impugned award in toto. *Prima facie* perusal of the judgment indicates that the Claimants have made out case for seeking compensation. In such case, it would be appropriate to permit the Claimants to withdraw 50% of the amount on usual undertaking.

5. Hence, order:-

ORDER

I. Applications are partly allowed.

ii. Claimants are permitted to withdraw 50% of the amount on usual undertaking.

iii. Applications stands disposed of accordingly.

(R. M. JOSHI, J.)