

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 951 OF 2026

IN

FIRST APPEAL NO. 51 OF 2026

Manisha Ganesh Thakare And Ors.

...Applicants

IN THE MATTER BETWEEN

Bajaj Allianz General Insurance Co.Ltd.

... Appellant

Versus

Manisha Ganesh Thakare And Ors.

...Respondents

Mr. Devesh Suralkar with Shreyas R. Zarkar, Chirag Rawat, for the
Applicants/Respondent Nos. 1 to 3.

Mr. Sarthak Diwan, for the Appellant.

CORAM: R. M. JOSHI, J.

DATED: 6th FEBRUARY, 2026

PC:-

1. Heard.

2. learned counsel for applicants/original claimants submits that there is an urgency for the claimants for withdrawal of the amount as the properties of the claimants are sought to be attached by the Punjab National Bank and unless, atleast, 50% amount is permitted to be withdrawn, the claimants would loose the said properties.

3. The abovesaid contention is opposed by the learned Counsel for the insurer on the ground that the Appeal has been filed taking

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exception of the impugned Judgment and Award by the Tribunal for the reason that the Tribunal has accepted the loss of income without proof of the same. It is his contention that as per the evidence on record, the loss of earning would be to the extent of managerial loss and not the entire income from the business in question.

4. *Prima facie*, perusal of the record indicates that the claimants led evidence to show the business and income of the deceased. Even if the contention of the appellant/insurer is accepted that the Tribunal has committed error in accepting the loss of income the entirety of the business income of the deceased, still there is no impediment in allowing claimants to withdraw 50% amount deposited by the insurer in this appeal.

5. Having regard to the facts of the case, it would be appropriate to permit 50% amount to be withdrawn by the claimants. Hence, following order.

ORDER

- a) The Application is allowed.
- b) The applicants/claimants are permitted to withdraw 50% amount alongwith accrued interest thereon on usual undertaking.
- c) Application stands disposed of accordingly.

(R. M. JOSHI, J.)