

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL(ST.) NO.994 OF 2026
WITH
INTERIM APPLICATION NO.319 OF 2026
WITH
INTERIM APPLICATION NO.320 OF 2026
WITH
INTERIM APPLICATION NO.2561 OF 2026

The New India Assurance Co Ltd.	..Appellant
V/s.	
Smt.Manda S. Sakhare & Ors.	..Respondents

Mr.Yogesh Pande with Mr.Himanshu Jha for the Applicants /
Claimants.

Ms.Deepika Prabhala i/b RES Juris for the Appellant.

CORAM : R.M. JOSHI, J.
DATE : 9TH APRIL, 2026.

P.C. :-

1. This application is filed by the original claimants for withdrawal of the amount deposited by the appellant / insurer pursuant to the order dated 16th July, 2025 in MACP No.813 of 2019.
2. Learned counsel for the Applicants / claimants submits

that the even if the appeal is allowed, there could be only order of recover from the owner. As such according to him, the applicants are entitled for withdrawal of at least 50% of the amount deposited.

3. Learned counsel for the appellant / insurer opposed the withdrawal of the amount on the ground that there is breach of condition of the policy, so also the issue of quantum is involved in this appeal.

4. Even if both the contentions of the appellant are accepted, still the entitlement of compensation by the claimants cannot be disputed. Hence the claimants can be permitted to withdraw 50% of the amount deposited.

5. Hence the order :-

a). The applicants / original claimants are permitted to withdraw 50% amount out of total deposited along with interest on furnishing usual undertaking.

(R.M. JOSHI, J.)