

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1738 OF 2026
IN
FIRST APPEAL NO. 1718 OF 2025**

Sulabha Vikas Kumbhar And Ors. ... Applicants

IN THE MATTER BETWEEN

Vs.

National Insurance Co. Ltd. Thr. Its Chief Business
Manager ... Appellant

Sulabha Vikas Kumbhar And Ors. ... Respondents

.....

Mr. Moin Momin a/w Ms. Varsha Kale i/b Mr. Bhushan Walimbe, for the
Applicants

Mr. Ashirwad Kolekar i/b Adv. Prasanna Kolekar, for the Appellant –
Insurance Company.

.....

CORAM : SHAILESH P. BRAHME, J.

DATE : 27th OCTOBER, 2026.

P. C. :

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. Heard learned Advocates appearing for the parties.

2. The Applicants seek permission to withdraw an amount of
Rs.35,06,793/- deposited by the Appellant - Insurance Company.

3. Learned counsel for the Applicants contended that Applicants were
dependent upon the deceased and that no amount has been disbursed to

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them so far. The Applicants are in need of money.

4. Learned counsel for the Appellant - Insurance Company opposes the Application. It is submitted that an exorbitant quantum of compensation is awarded. If the amount is disbursed, it would be difficult to recover the same, in case the Appellant – Insurance Company succeeds in the Appeal.

5. This is a death claim. The bread earner of the family of the Applicants' has lost life in accident. No amount so far is disbursed to the Applicants. The need expressed in the Application cannot be discarded. It would be appropriate to permit the Applicants to receive 60% of the amount with accrued interest.

6. The application is allowed partly permitting the Applicants to receive 60% with accrued interest on furnishing undertaking to the satisfaction of Presiding Officer of jurisdictional Tribunal. The balance amount shall be invested in a Nationalized bank.

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7. Admit.

8. Learned counsel Mr. Moin Momin waives notice for Respondents.

9. Call for record and proceedings.

10. Print is dispensed with.

11. Parties shall be at liberty to file compilation of documents or private paper-book.

(SHAILESH P. BRAHME, J.)