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

INTERIM APPLICATION NO. 1796 OF 2026
IN
FIRST APPEAL NO. 1380 OF 2025

Mangal Rajendra Petkar And Ors. … Applicants
V/s.
Reliance General Insurance Co.ltd. Thr. Divisional Manager … Respondent

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Adv. Santosh Kumar Bhosale (through V.C.), for Applicant.

Adv. Aditya Ghadge h/f Adv. Akshay Kulkarni, for Appellant/Insurance Company.

CORAM : SHAILESH P. BRAHME, J.

DATED : NOVEMBER 05, 2026

P.C.:

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1. By this Application, the Applicants seek to withdraw amount deposited by the respondent Insurance Company.

2. For the reasons stated in the application, the amount is sought to be withdrawn.

3. It is contended that the Tribunal has rightly arrived at the quantum. Applicants have placed on record cogent material in support

of their claim.

4. The counsel for the respondent-Insurance Company submits that notional income considered by the Tribunal is excessive. The deceased was a bachelor and, therefore, deduction should have been 1/2 instead of 1/3. Interest awarded is excessive.

5. I have considered the submissions of the parties and also have gone through the impugned judgment. The deceased was pharmacist and the applicants were dependent upon him.

6. Considering the conspectus of the matter, it would be appropriate to allow the applicant to receive 70% of the amount deposited by respondent-Insurance Company with accrued interest. Hence, I pass the following order :

ORDER

(i) Interim Application is partly allowed, permitting the applicants to withdraw 70% of deposited amount by respondent-Insurance Company with accrued interest on furnishing undertaking to the satisfaction of jurisdictional Tribunal.

(ii) The Balance amount shall be invested in the Nationalized Bank.

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7. Admit.

8. Call for record and proceedings.

9. Print is dispensed with.

adn

10. Parties shall be at liberty to file private paper book or compilation of relevant documents.

11. The stay granted by this Court on 24th September, 2025 shall continue to operate until the final disposal of the Appeal.

(SHAILESH P. BRAHME, J.)

adn