

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

**INTERIM APPLICATION NO.10834 OF 2024
(for withdrawal)**

**with
FIRST APPEAL NO. 826 OF 2011
with
CIVIL APPLICATION NO. 4844 OF 2010
(for stay)**

Varad Sanjay@ Santosh Khot and anr. ... Applicants

In the matter of

Reliance General Insurance Company Ltd. ... Appellant

versus

Varad Sanjay@ Santosh Khot and ors. Respondents

Mr. Pritesh K. Bohade, Advocate for the Applicants/Respondent Nos.1 and 2.

Mr. Nikhil Mehta i/b. KMC Legal Venture, Advocates for the Appellant.

CORAM : ARUN R. PEDNEKER, J.

DATE : 30th JULY, 2024.

P.C. :

1. Heard the learned counsel appearing for the parties.
2. The appeal is primarily on the ground of quantum and the appellant-Insurance Company has also raised the issue of contributory negligence.
3. Considering the submissions of both the learned counsel, I deem it appropriate to permit the applicant No.2 to withdraw 70% of the amount to the extent of his share deposited before the Tribunal subject to

SHUBHADA
SHANKAR
KADAM

Digitally signed by
SHUBHADA
SHANKAR KADAM
Date: 2024.07.31
10:45:07 +0530

the filing of undertaking to the satisfaction of the Presiding Officer of the Tribunal. The share of the minor (applicant No.1) as well as the balance amount to remain deposited in any Nationalised Bank. Interim Application No.10834 of 2024 is accordingly disposed of.

4. The first appeal is admitted.

5. On admission, Mr. Bohade, learned counsel, waives service of notice on behalf of respondent Nos.1 and 2.

6. There shall be stay to the judgment and order passed by the Tribunal till the final disposal of the appeal. Civil Application No.4844 of 2010 stands disposed of.

(ARUN R. PEDNEKER, J.)