

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.5494 OF 2024
WITH
INTERIM APPLICATION NO.1881 OF 2024
WITH
INTERIM APPLICATION NO.1880 OF 2024

Bajaj Allianz General Insurance Co. Ltd. Applicants

V/s.

Santosh Maruti Vitkar & Ors. Respondents

WITH
INTERIM APPLICATION NO.9826 OF 2024
IN
FIRST APPEAL (ST) NO.5494 OF 2024

Miss.Kavita Maruti Vitkar Applicant

V/s.

Bajaj Allianz General Insurance Co. Ltd. Respondents

Mr.Sarthak Diwan, for the Appellant.

Ms.Varsha Chavan, for Respondent Nos.1 and 2.

CORAM : ARUN R. PEDNEKER, J.

DATE : 23rd JULY 2024

P.C:-

INTERIM APPLICATION NO.1880 OF 2024

. This is an Application filed for seeking condonation of the delay in filing the First Appeal. However, office note

indicates that there is no delay, as such, the Application does not survive and it is accordingly disposed of.

INTERIM APPLICATION NO.1881 OF 2024

2. This is an Application for stay of the impugned order.
3. The learned counsel for the Applicant submits that he has deposited the entire award amount as directed by this Court along with accrued interest thereon. As such the stay granted, is continued till the disposal of Appeal.
4. The Application is allowed and disposed of.

INTERIM APPLICATION NO.9826 OF 2024

5. The Appeal is filed on the ground that the breach of terms and conditions. However in the event that the Insurance Company succeeds on the ground raised then the Insurance Company would be entitled for the order of pay and recovery.
6. In view of the same I permit the Applicant/Claimant to withdraw 75% of the amount deposited along with accrued interest, subject to an undertaking to the satisfaction of the Presiding Officer of the MACP, Court.

(ARUN R. PEDNEKER, J.)