

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

**INTERIM APPLICATION NO.11462 OF 2024
IN
FIRST APPEAL NO.571 OF 2024**

Alka Vijay Chautray and Anr. ...Appellant

vs.

Bajaj Allianz General Insurance
Company Ltd., Mumbai ...Respondents

**WITH
INTERIM APPLICATION NO.7623 OF 2024
IN
FIRST APPEAL NO.571 OF 2024**

Bajaj Allianz General Insurance
Company Ltd., Mumbai ...Applicant

vs.

Alka Vijay Chautray and Anr. ...Respondents

Mr. Vasant N. More:-	Advocate for Applicant in IA/11462/2024.
Mr. Sarthak S. Diwan :-	Advocate for Respondent in IA/11462/2024 and for Appellant in FA.

CORAM : S. M. MODAK, J.

DATE : 9th SEPTEMBER 2024

P. C. :-

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1. Heard, Mr. More learned counsel for the Applicant and learned

Advocate Mr.Diwan for Respondent.

2. The main grounds of the Appeal are, the quantum and not possessing a valid driving license by Respondent No.1.

3. The driver of offending vehicle was possessing of light motor vehicle license. Whereas, he was driving tempo, a transport vehicle. As of today, the observations in the judgment of *Mukund Dewangan v/s. Oriental Insurance Co. Ltd. etc.*¹ are in force. 50% withdrawal can be permitted. Hence the order:-

ORDER

- (i) The Application is allowed.
- (ii) Respondent No.1 is permitted to withdraw 50% of the deposited amount along with the interest on furnishing usual undertaking.
- (iii) Interim Application is disposed of.

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- 4. Heard both sides.
- 5. The amount is already deposited.
- 6. The Application is finally disposed of in terms of prayer clause (b).

¹ AIR OnLine 2016 SC 330

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7. Learned Advocate Mr.More, appears for Respondent No.1 - Claimant No.2. The owner is served but not appeared.
8. **Call Record and Proceeding.**
9. Compilation of documents is already filed by the Claimant.
10. Stand over to 14th October 2024.

[S. M. MODAK, J.]