

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

**FIRST APPEAL NO. 1099 OF 2024
WITH
INTERIM APPLICATION NO.10309 OF 2024**

Bajaj Allianz General Insurance Co. Ltd., Appellant
Mumbai

V/s.

Parasmal Shankarlal Soni (Jain) & Ors. Respondents

**WITH
INTERIM APPLICATION NO.10310 OF 2024**

Parasmal Shankarlal Soni (Jain) & Ors. Appellants

V/s.

Bajaj Allianz General Insurance Co. Ltd., Respondents
Mumbai

Mr.Sarthak S. Diwan, for the Appellant.

CORAM : ARUN R. PEDNEKER, J.

DATE : 9th JULY 2024

P.C:-

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. Not on board. Taken on board.

2. The learned counsel for the Appellant submit that
he has deposited entire decretal amount along with accrued

interest thereon.

3. In view of the same, stay to the order of the Tribunal.

4. The Application for stay is disposed of.

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5. Issue notice to the Respondents, returnable on on 3rd September 2024.

6. Mr.Amol Gatne, waives service for Respondent Nos.1 and 2.

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7. The present Appeal is filed by the Insurance Company primarily on the ground that the occupant of the insured is not a third party and that no claim can be granted to the Claimant's of the deceased occupant. The Tribunal has after elaborate discussion in paragraph Nos.32, 33, 34 and 35 considering the same that the Tribunal has held that the Insurance Policy is a comprehensive one although it is only referred to as Act only policy. As such, granted compensation to the Claimant's the respective contentions would be finally

decided at the time of final hearing of the Appeal. The Applicant is permitted to withdraw 50% amount deposited before the Tribunal along with accrued interest thereon, subject to the undertaking before the Presiding officer of the Tribunal.

8. Liberty is reserved for the parties to mention the matter after the decision of the Larger Bench in the case of Bhagyalaxmi V/s. United Insurance Co. reported in 2009 Vol-7-SCC-148.

9. In view of the deposit of the amount as directed by this Court the stay granted is confirmed.

10. The Appeal is admitted.

11. Liberty to file compilation of the documents.

(ARUN R. PEDNEKER, J.)