

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

INTERIM APPLICATION NO. 10810 OF 2024

FIRST APPEAL NO. 1205 OF 2024

The Divisional Manager, Bajaj Allianz General Insurance Co. Ltd.	 Appellant
V/s.	
Alisha Naim Bhojkar and ors.	 Respondents

**WITH
INTERIM APPLICATION NO. 14421 OF 2024**

FIRST APPEAL NO. 1205 OF 2024

Alisha Naim Bhojkar and anr.	 Applicants
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<u>In the matter between :-</u>	
The Divisional Manager, Bajaj Allianz General Insurance Co. Ltd.	 Appellant
V/s.	
Alisha Naim Bhojkar and ors.	 Respondents

Mr. Jayant Bardeskar for the Applicants in IA/14421/2024.
Mr. Sarthak Diwan for the Appellant/Applicant in FA and IA/10810/2024.

CORAM : SHYAM C. CHANDAK, J.

DATED : 10th FEBRUARY, 2025

P.C. :-

ORDER IN INTERIM APPLICATION NO. 10810 OF 2024 :-

. The present Application is seeking to stay the impugned Judgment and Award dated 22nd March, 2024 passed by the learned Member, Motor Accident Claims Tribunal at Kolhapur in MACP No.38/2022.

2) Mr. Sarthak Diwan, learned Advocate for the Appellant/

Applicant states that the Appellant – Bajaj Allianz General Insurance Co. Ltd. has deposited the entire amount with the Tribunal.

3) In view thereof, the impugned Judgment and Award dated 22nd March, 2024 is stayed till the final adjudication of the aforesaid Appeal.

4) Interim Application No.10810 of 2024 stands disposed of.

ORDER IN INTERIM APPLICATION NO. 14421 OF 2024 :-

5) By way of interim relief, this Application is seeking for withdrawal of the compensation amount deposited by the Appellant with the Motor Accident Claims Tribunal.

6) The Applicants are the wife and mother of the deceased. They were dependent on the income of the deceased.

7) In view thereof and considering the rival submissions, the Applicants are permitted to withdraw 35% of the compensation amount of their share along with proportionate interest accrued thereon subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Applicants/Claimants would refund the said amount alongwith interest as would be directed by this Court. The Tribunal shall invest the remaining amount with nationalized bank giving highest interest from time to time. The statutory amount deposited in this Court shall be transferred to the Tribunal.

8) Interim Application No.14421 of 2024 stands disposed of.

PREETI
HEERO
JAYANI

(SHYAM C. CHANDAK, J.)