

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

**INTERIM APPLICATION NO.10813 OF 2024
IN
FIRST APPEAL NO. 1208 OF 2024
WITH
FIRST APPEAL NO. 1208 OF 2024**

Bajaj Allianz General Insurance Co. Ltd. Thane ...Applicant/Appellant
V/s.
Mohd. Rahil Mohd. Hanif Makba And Anr. ...Respondents

**WITH
INTERIM APPLICATION NO.14449 OF 2024
IN
FIRST APPEAL NO. 1208 OF 2024**

Mr. Mohd. Rahil Mohd. Hanif Makba ...Applicant

IN THE MATTER BETWEEN

M/s. Bajaj Allianz General Insurance
Co. Ltd. Thane ...Appellant
V/s.
Mr. Mohd. Rahil Mohd. Hanif Makba And Anr. ...Respondents

Mr. Sarthak S. Diwan, for the Appellant/Applicant.
Mr. Yogendra Pendse a/w Ms. Hrucha M. Joshi, for the Respondent No.1
in IA/10813/2024 and Applicant in IA/14449/2024.
Mr. Jash Dalia, for the Respondent No.2.

CORAM : SHYAM C. CHANDAK, J.

DATED : 23rd APRIL, 2025

P.C. :-

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. Heard.

2) Mr. Diwan, the learned Advocate for the Applicant states that,
as per the interim stay Order dated 23rd July, 2024, the Applicant has

deposited the entire compensation amount alongwith accrued interest with Motor Accident Claims Tribunal, Kalyan.

3) In view thereof, the Application is allowed in terms of prayer clause (b) and stands disposed of.

INTERIM APPLICATION NO.14449 OF 2024

. Present Application filed by the Original Claimant/ Respondent No.1 in Appeal seeking permission to withdraw entire compensation amount alongwith accrued interest.

2) Mr. Diwan, the learned Advocate for the Appellant opposed the Application.

3) Mr. Dalia, the learned Advocate for the Respondent No.2 opposed the Application on the ground that the subject licence was fake.

4) Mr. Pendse, the learned Advocate for the Applicant submits that, the Applicant had suffered several grievous injuries. The injury led to amputation of his left leg. The Applicant has incurred considerable amount on his medical treatment. The Applicant is waiting for the compensation amount since the date of filing of the claim.

5) In view thereof and considering the other grounds stated in the Application, the Applicant is permitted to withdraw 40% of the compensation amount alongwith proportionate interest subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Applicant would refund the said amount alongwith interest as

would be directed by this Court. The Tribunal shall invest remaining amount with nationalized bank giving highest interest from time to time.

6) Application is disposed of, accordingly.

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. Call for Record and Proceedings.

2) Mr. Dalia, the learned Advocate states that, he has already filed his Vakalatnama for the Respondent No.2.

3) The learned Advocate for the parties submitted that, the aforesaid Appeal be heard finally at the stage of admission and they are ready to submit Compilation of Documents as per the record of Tribunal.

4) List the Appeal on **29th July 2025**, under the caption for “final hearing”.

(SHYAM C. CHANDAK, J.)