

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

**INTERIM APPLICATION NO. 1976 OF 2024
IN
FIRST APPEAL NO. 234 OF 2024**

IFFCO Tokio General Insurance Co. Ltd. Applicant
v/s.
Pramod Maruti Pangarkar and anr. Respondents

**WITH
INTERIM APPLICATION NO. 7115 OF 2025
IN
FIRST APPEAL NO. 234 OF 2024**

Pramod Maruti Pangarkar Applicant

In the matter between :-
IFFCO Tokio General Insurance Co. Ltd. Appellant
v/s.
Pramod Maruti Pangarkar and anr. Respondents

Mr. Nikhil Mehta i/b. KMC Legal Venture for the Appellant.
Ms. Seema Chopda for the Applicants in IA/7115/2025 and for
the Respondent No.1 in Appeal.

CORAM : SHYAM C. CHANDAK, J.

DATED : 16th APRIL, 2025

P.C. :-

ORDER IN INTERIM APPLICATION NO. 1976 OF 2024 :-

- . Heard learned Advocate for the parties.
- 2) Learned Advocate for Respondent No.1/Original Claimant states that the Appellant has deposited entire amount in the Tribunal concerned, as per interim stay Order dated 26/02/2024. However, she is not aware of the exact amount deposited.

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

ORDER IN INTERIM APPLICATION NO. 7115 OF 2025 :-

4) Heard learned Advocate for the parties.

5) Present Application filed by the Original Claimant seeking permission to withdraw the entire compensation amount with accrued interest.

6) Mr. Mehta, learned Advocate for the Appellant opposed the Application.

7) The Applicant was injured in the accident and sustained 45% permanent partial disability. The Applicant has incurred considerable amount on his medical treatment. However, it cannot be ignored that the FIR was registered against the Applicant himself for causing the accident by riding his vehicle in a rash and negligent manner.

8) In view thereof, the Applicant is permitted to withdraw 30% of the compensation amount with proportionate interest subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Applicant/Claimant would refund the said amount along with interest as would be directed by this Court. The Tribunal shall invest remaining amount of compensation with nationalized bank giving highest interest from time to time.

9) Interim Application stands disposed of.

ORDER IN FIRST APPEAL NO. 234 OF 2024 :-

- 10) Issue notice to the Respondents, returnable on 30th July, 2025. Ms. Seema Chopda, learned Advocate waives service of notice on behalf of Respondent No.1.
- 11) The Applicant to provide copy of the Appeal to the Registry, for service of notice on Respondent No.2. In addition to Court's notice, the Appellant to serve the Respondent No.2 with private notice and file affidavit of service before the returnable date. Hamdast allowed.
- 12) Learned Advocate for the parties submitted that they are ready to provide compilation of documents as per the record of Tribunal and the Appeal may be taken up for final hearing.
- 13) In view thereof, stand over to 30th July, 2025 under the caption 'for final hearing'.

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(SHYAM C. CHANDAK, J.)