

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

**INTERIM APPLICATION NO. 8089 OF 2025
IN
FIRST APPEAL NO. 969 OF 2025**

Cholamandalam MS General Insurance
Co. Ltd.

.... Applicant

V/s.
Shashi V. Jain and anr.

.... Respondents

Mr. Aditya Ghadge i/b. Mr. Sarthak Diwan for the Applicant.
Mr. T.J. Mendon for Respondent No.1.

CORAM : SHYAM C. CHANDAK, J.

DATED : 05th MAY, 2025

P.C. :-

. Issue notice to the Respondents, returnable on **02nd September, 2025.**

2) Mr. Mendon, learned Advocate waives notice on behalf of Respondent No.1.

3) The Applicant to provide copy of the Interim Application to the Registry for service of notice on Respondent No.2. In addition to Court's notice, the Applicant to serve the Respondent No.2 with private notice and file affidavit of service on or before the returnable date. Hamdast allowed.

4) In view of the statement made by Mr. Ghadge, learned Advocate that the Applicant/Appellant would deposit entire amount of compensation along with accrued interest till date with the concerned Tribunal within six weeks from today, there shall be ad-interim stay in terms of prayer clause (b) till the next date i.e. 02nd September, 2025.

5) If the Applicant failed to deposit the compensation amount within stipulated period as stated above, the ad-interim stay shall stand vacated without further reference to this Court.

6) At this stage, Mr. Mendon, learned Advocate for Respondent No.1 submitted that the Respondent No.1 has suffered grievous injuries in the accident. She has incurred considerable amount on her medical treatment. She has suffered lot of pain and suffering, etc. Therefore, he submits that the Respondent No.1 may be permitted to withdraw the amount of Award if deposited by the Appellant.

7) Learned Advocate for the Appellant opposed the said request. However, he stated that there is no statutory defence in this case.

8) Considering the submissions made by Mr. Mendon, the Respondent No.1 is permitted to withdraw 50% of the compensation amount with proportionate interest subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Respondent No.1/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) Stand over to **02nd September, 2025.**

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(SHYAM C. CHANDAK, J.)