IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8434 OF 2025
IN
FIRST APPEAL (ST) NO. 31296 OF 2024

Bajaj Allianz General Insurance Co. Ltd. Mumbai ...Applicant
Versus
Mohammed Hussain Rahiman Ali Shaikh & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 8435 OF 2025
IN
FIRST APPEAL (ST) NO. 31296 OF 2024

Mohammed Hussain Rahiman Ali Shaikh ...Applicant
IN THE MATTER BETWEEN
Bajaj Allianz General Insurance Co. Ltd. Mumbai ...Appellant
Versus
Mohammed Hussain Rahiman Ali Shaikh & Ors. ...Respondents

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Mr. Aditya Ghadge h/f. Mr. Sarthak Diwan for the Applicant in IA/8434/2025 and the Appellant in FAST/31296/2024
Mr. Vasant More for the Applicant in IA/8435/2025 and for Respondent No. 1 in FAST/31296/2024

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CORAM : M. M. SATHAYE, J.

DATED : 18th JULY 2025

P.C.:

1. Heard learned Counsel for the Insurance Company, who is the Applicant in IA/8434/2025 and learned Counsel for the Claimant, who is the Applicant in IA/8435/2025.

2. The Insurance Company is praying for stay of the impugned judgment and award. Learned Counsel for the Insurance Company has invited this Court's attention to the receipt indicating that the amount under impugned judgment and award is deposited before the Commissioner for Employees Compensation, Mumbai.

3. Learned Counsel for the Claimant is praying for permission to withdraw the amount, contending that the Claimant is the father of the deceased. He submits that this is a death claim and the Claimant is an old person of 83 years of age. He submits that the Claimant is poor person, who is living on the mercy of relatives and well-wishers. Learned Counsel for the Insurance Company opposes the prayer for withdrawal of the amount on the ground that Insurance Company is not liable to pay the interest, amongst other contentions.

4. Perused the impugned judgment. The operative part of the impugned judgment indicates that the liability is joint and several and the amount is directed to be paid alongwith interest at the rate of 12% per annum. The principal amount under impugned Judgment (Rs. 7,47,600/-) is more than 50% of the deposited amount (Rs. 11,87,312/-)

5. Considering the objections raised by the Insurance Company to the interest component, at this stage 50% of the amount deposited can be

permitted to be withdrawn subject to usual undertaking.

6. In that view of the matter, following order is passed:

(a) IA/8434/2025 is allowed and execution of the impugned judgment and award dated 21/03/2024 is stayed. It is clarified that this interim stay will enure to the benefit of Applicant Insurance company alone.

(b) Withdrawal application (IA/8435/2025) is partly allowed to the extent that the Applicant is permitted to withdraw 50% of the amount deposited before the Commissioner for Employees Compensation, Mumbai, subject to an undertaking that the amount will be brought back with interest if directed by the Court and it will be subject to final outcome of the Appeal.

7. Both the Applications are disposed of in above terms.

(M. M. SATHAYE, J.)