

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

Interim Application No.12140 of 2025

In

First Appeal No. 1915 of 2025

With

First Appeal No. 1915 of 2025

Reliance General Insurance Co. Ltd. ... Applicant

v/s,

Mr. Sailesh Kanakraj Gandhi and anr. ... Respondents

Ms. Yashika Jain i/b. Kalpana Trivedi	Advocate for the Applicant.
Mr. Nikhil Mehta	Advocate for the Respondents

CORAM : S.M. MODAK, J

DATE : 6th October 2025.

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Heard learned Advocate for the Appellant-Insurance Company and learned Advocate for Respondent No.1 -Claimant.

2. There is an Award passed by the Tribunal, Mumbai dated 8th May 2025 in an injury claim. The sum awarded is Rs.1,24,58,409/- alongwith 7% interest. The appeal is filed mainly on the ground of consideration of income and subsequent calculation. The Appellant is ready to deposit the amount.

3. Issue notice to Respondents. Learned Advocate Mehta waives

notice for Respondent No.1. Respondent No.2 is the owner/insured. There is no defence taken about validity of the policy. Hence, notice to Respondent No.2 is dispensed with.

4. Stay is granted to the execution of the Award dated 8th May 2025 passed by the Motor Accident Claims Tribunal – Mumbai subject to deposit of the decretal amount within four weeks of the decretal amount along with interest before the Tribunal, Mumbai.

5. Learned Advocate Mehta prays for withdrawal. There is a strong opposition on account of not filing withdrawal application on merits. It is true that the withdrawal application can be filed but it does not mean that the Court should consider the oral request. There is a submission that claimant has become paraplegic due to injury sustained during the accident. Insistence on procedure can be dispensed with in certain contingencies. So there can be withdrawal by the claimant-Respondent to the extent of 50% of the deposited amount alongwith corresponding interest on an usual undertaking.

6. Interim Application is disposed of.

7. Place the First Appeal on **11th November 2025**.

(S.M. MODAK, J.)