



38.caf.437.2025 in fa.882.2024.odt

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CIVIL APPLICATION (CAF) NO. 437 OF 2025

IN

FIRST APPEAL 882 OF 2024

(Bajaj Allianz General Insurance Company Ltd. V/s Sandhya Sanjay Dhoka & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Gargi Bhai, Advocate h/f Ms. A. S. Athalye,
Advocate for Appellant.

Mr. Vivek Awchat, Advocate for Respondent No.1.

CORAM : ROHIT W. JOSHI, J.
DATE : FEBRUARY 11, 2025.

. By this Application, the Respondent No.1/Original Claimant is seeking permission to withdraw the amount deposited by the Appellant with this Court, pursuant to the order granting stay to the execution of the Judgment and Award passed by the learned Motor Accident Claims Tribunal, Yavatmal.

2. The learned Counsel for Respondent No.1/Applicant has drawn my attention to paragraph Nos. 26, 27 and 31 of the Judgment to demonstrate that out of the total compensation of Rs.13,10,000/-, as awarded by the learned Tribunal, sum of Rs.12,00,000/- is awarded for the treatment. He demonstrates that witnesses from Wockhardt Hospital, Nagpur were examined in order to prove the expenses.

3. In view of the aforesaid, the Respondent No. 1/

Applicant is permitted to withdraw 75% of the amount along with accrued interest deposited by the Appellant with this Court, although the learned Counsel for Appellant has vehemently opposed the Application. The amount shall be withdrawn subject to furnishing usual undertaking.

4. Civil Application stands disposed of accordingly.

(ROHIT W. JOSHI, J.)

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