

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.263 OF 2026

IN

FIRST APPEAL NO.967 OF 2025

AND

INTERIM APPLICATION NO.8077 OF 2025

IN

FIRST APPEAL NO.967 OF 2025

Bajaj Allianz General Insurance Co. Ltd. ...Appellant

Versus

Noori Sameer Mirza and anr. ...Respondents

Mr. Sarthak S. Diwan, for the Appellant

Mr. Vasant More, for the Respondents.

CORAM: R. M. JOSHI, J.

DATED: 13th JANUARY, 2026.

PC:-

1. Interim Application No. 263 of 2026 is for withdrawal of the compensation filed by the original Claimants deposited by the Insurer in this Court pursuant to the order dated 5th May, 2025.

2. Learned counsel for the Claimants submits that even if appeal filed by the Insurer is allowed, there cannot be any other order but for the order of pay and recovery. In these circumstances,

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it is justified not to allow the Claimants to withdraw the entire amount of the compensation.

3. Learned counsel for the Insurer drew attention of this Court to the plea raised before the Tribunal, so as the evidence made. It is his submission that in these facts of the case, Insurer has fair chance of the success in this appeal and hence, the application be rejected. Though learned counsel for the Insurer further submits that the interest granted by the Tribunal at 7.5% p.a. is excessive, this Court finds *prima facie* no substance in the said submission.

4. Perusal of the record *prima facie* indicates that the insurance coverage is not in dispute. The evidence is with regard to the driver of the said vehicle not having valid license at the time of incident. In such case, the only order which would be passed as is to pay and recover. Hence, there is no reason or justification for not allowing withdrawal of the deposit of amount.

5. The amount deposited by Insurer with interest is permitted to be withdrawn by Claimants on usual undertaking.

6. In view of the above, Interim Application No.263 of 2026 stands disposed of.

7. In view of the order passed by this Court dated 5th May, 2025 and deposit of the amount and withdrawal permitted by this Court, Interim Application No.8077 of 2025 stands allowed, by confirming ad-interim relief.

(R. M. JOSHI, J.)