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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

INTERIM APPLICATION NO.13896 OF 2025
WITH
INTERIM APPLICATION NO.10389 OF 2025
IN
FIRST APPEAL NO.1487 OF 2025

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VASANT
ANANDRAO IDHOL
Date: 2026.04.09
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Pramila K. Motwani & Ors. ...Applicants
V/s.
Bajaj Allianz General Insurance Co. Ltd. & Anr. ..Respondents

Mr.Yogesh Pande with Mr.Himansho Jha for the Applicants.

Mr.Sarthak Diwan for the Respondent.

CORAM : R.M. JOSHI, J.
DATE : 9TH APRIL, 2026.

P.C. :-

1. This application is filed by the original claimants for seeking withdrawal of the amount deposited by the appellant / insurer pursuant to the order dated 5th April, 2025 in MACP No.296 of 2019.
2. Learned counsel for the Applicants / claimants submits that even if the challenge of the appellant /insurer is accepted,

still the liability of the payment of compensation by the owner cannot be disputed. It is his further submission that in any case the insurer will have to indemnify the said liability.

3. Learned counsel for the appellant / insurer opposed the withdrawal of any amount for the reason that according to him if he succeeds in proving that there was no permit for plying the offending vehicle, the liability of payment of compensation may not get attracted against the insurer.

4. *Prima-facie* perusal of the record indicates that the grounds for denying the liability by the insurer is about the validity of permit. In any case, the Applicants are parties. In such circumstances, in considered view of this Court, there will not be any impediment in permitting the applicants / original claimants to withdraw 50% of the amount deposited in this Court on furnishing a solvent surety.

5. Hence order :-

a). Applicants / claimants are permitted to withdraw 50% amount deposited by appellant with interest, by furnishing solvent surety to the satisfaction of Learned Registrar.

(R.M. JOSHI, J.)