

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

**CIVIL APPLICATION NO. 2128 OF 2018  
IN  
FIRST APPEAL (ST.) NO. 523 OF 2017**

Smt. Arunakumari Ramarao Joti & Ors. ....Applicants

In the matter between :-

ICICI Lombard General Insurance Co. Ltd. ....Appellant

V/s.

Smt. Arunakumari Ramarao Joti & Ors. ....Respondents

Mr. Rajesh Kanojia I/b. Res Juris for the appellant in FAST 523 of 2017  
and for the applicant in CAF 67 of 2017.

Mr. Pritesh K. Bohade for the applicant in CAF 2128 of 2018.

**CORAM : V.M. DESHPANDE, J.**

**DATED : 26<sup>th</sup> JUNE, 2018.**

**P.C.:**

. This is an application for withdrawal of the amount moved by the claimants. The Insurance Company/Non-Applicant No.1 in this application has filed the appeal and challenged the judgment and award in Motor Accident Claim Petition No.1366 of 2011 dated 08<sup>th</sup> February, 2016 passed by Member, MACT and District Judge-5, Nashik granting the claim in favour of the respondent nos.1 to 3/original claimants.

2. Heard Mr. Rajesh Kanojia, learned counsel for the appellant and Mr. Pritesh Bohade, learned counsel for the applicant nos.1 to 3/original claimants.

3. Mr. Rajesh Kanojia, learned counsel for the appellant submits that as per the order passed by this Court (Coram : M.S. Sonak, J.) dated 09<sup>th</sup> January, 2017 while granting ad-interim stay to the execution and award, he has deposited Rs.19,92,457/- before the MACT, Nashik.

4. In an unfortunate incident, the husband of the applicant no.1 – Arunakumari Ramarao Joti, father of applicant no.2 – Ashish Ramarao Joti and applicant no.3 – Amita @ Amita Ramarao Patil lost his life. The applicants are entitled, in my view, to withdraw an amount of Rs.5,00,000/- (Rupees Five Lakhs) jointly out of the amount deposited before the Trial Court by the Insurance Company. That at the time of withdrawal, claimants shall give an undertaking that in the event if the appeal filed by the Insurance Company is allowed then in that event they shall refund the said amount with interest as directed by this Court that time, within a period of one year from the date of the judgment. The remaining amount shall be invested in any nationalized bank initially for a period of three years and shall continue to renew

the same as and when occasion arises, so as to save the loss of interest. The applicants/claimants are at liberty to file the application for further withdrawal of the amount by pointing the necessity before the Court after a lapse of two years.

5. Civil Application is disposed of.

**(V.M. DESHPANDE, J.)**