

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

939 CIVIL APPLICATION NO.11189 OF 2023  
IN FIRST APPEAL NO.1976 OF 2023

CHHAYA KAILAS GIRAWALE & OTHERS  
VERSUS  
DINESH BHANUDAS CHOUKATE & ANOTHER

...

Advocate for the applicants : Mr.Chaitanya Wangikar h/f.  
Mr.A.D.Kulkarni & Amit Yadkikar  
Advocate for respondent no.3 : Mr.A.G.Choudhari

...

**WITH**

CIVIL APPLICATION NO.6012 OF 2023  
IN FIRST APPEAL NO.1976 OF 2023

ICICI LOMBARD GENERAL INSURANCE CO.LTD.  
VERSUS  
CHHAYA KAILAS GIRWALE AND OTHERS

...

Advocate for applicant : Mr.A.G.Choudhari  
Advocate for the respondent nos.1 to 3 : Mr.Chaitanya  
Wangikar h/f. Mr.A.D.Kulkarni & Amit Yadkikar

...

**WITH**

FIRST APPEAL NO. 1976 OF 2023

ICICI LOMBARD GENERAL INSURANCE CO. LTD.  
VERSUS  
CHHAYA KAILAS GIRWALE AND OTHERS

...

Advocate for applicant : Mr.A.G.Choudhari  
Advocate for the respondent nos.1 to 3 : Mr.Chaitanya  
Wangikar h/f. Mr.A.D.Kulkarni & Amit Yadkikar

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**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 05.09.2023**

**P.C. :**

**A] ORDER IN CIVIL APPLICATION NO.11189 OF  
2023 FOR WITHDRAWAL OF AMOUNT :**

1] The present Civil Application is filed to permit the applicants to withdraw the amount deposited by the Insurance Company in this Court.

2] The learned counsel for the applicants submits that the Insurance Company has challenged the judgment and order of the Tribunal granting compensation to the claimants. The Insurance Company has deposited the amount of Rs.27,84,626/- in this Court. The learned counsel for the applicants further submits that the applicants may be permitted to withdraw the amount deposited by the Insurance company in this Court.

3] The Insurance Company has disputed that the offending vehicle was involved in the accident. However, at para no.13 of the impugned judgment and order, the Tribunal has recorded that the statements of the owner so also the rider are recorded and rendered a finding that the vehicle insured was involved in the accident.

4] In view of the same, the applicant no.1 i.e. widow is permitted to withdraw Rs.10 lac and the applicant nos. 2 and 3 are permitted to withdraw the amount of Rs.1,50,000/- each on usual undertaking. The remaining amount to be kept in FDR till the final disposal of the First Appeal.

5] Civil Application is disposed of accordingly.

**B] ORDER IN CIVIL APPLICATION NO.6012 OF 2023 FOR STAY**

The Insurance Company has deposited the entire amount of compensation in this Court. In view of the same, the earlier stay granted by this Court is made absolute and accordingly Civil Application is disposed of.

**C] ORDER IN FIRST APPEAL NO.1976 OF 2023**

1] First Appeal is **admitted**.

2] On admission, Mr.A.D.Kulkarni and Mr.A.A.Yadkikar, learned counsel waive notice for the respondent nos.1 to 3.

**[ARUN R. PEDNEKER]  
JUDGE**