

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

44 CIVIL APPLICATION NO.11653 OF 2023
IN FA/2368/2023

NITIN ASHOK CHAVHAN & ANOTHER
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO LTD &
OTHERS

...

Advocate for the applicants : Mr.A.S.Gandhi
Advocate for Respondent no.1 : Mr.S.S.Patil h/f.
Mr.R.H.Dahat

...

WITH
CIVIL APPLICATION NO.7373 OF 2023
IN FA/2368/2023
WITH
FIRST APPEAL NO.2368 OF 2023

...

ICICI LOMBARD GENERAL INSURANCE CO LTD
VERSUS
NITIN ASHOK CHAVHAN & OTHERS

...

Advocate for Applicant : Mr.S.S.Patil h/f. Mr.R.H.Dahat
Advocate for Respondent nos.1 and 2 : Mr.A.S.Gandhi

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 20.09.2023

P.C. :

**A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL**

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

2] The First Appeal is filed by the Insurance Company challenging grant of compensation to the original claimant. Ground of appeal is that the insured vehicle was not involved in the accident, however, the Tribunal on considering the evidence has held that the insured vehicle was involved in the accident and granted compensation. It is not disputed that the charge sheet is also filed against the driver of the offending vehicle.

3] In view of the same, the applicants are permitted to withdraw 50% amount deposited in this Court along with interest accrued thereon on usual undertaking to the satisfaction of the Registrar [Judicial] of this Court. Civil Application is disposed of accordingly.

B] ORDER IN CIVIL APPLICATION FOR STAY

The Insurance Company has deposited entire amount of award in this Court. In view of the same, the ad-interim stay granted earlier by this Court is confirmed. Accordingly, Civil application is disposed of.

C] ORDER IN FIRST APPEAL

1] Heard. Appeal is **Admitted**.

2] On admission, Mr.A.S.Gandhi, learned counsel waives notice for the respondent nos.1 and 2.

**[ARUN R. PEDNEKER]
JUDGE**

DDC