

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

919 CIVIL APPLICATION NO.7084 OF 2023
IN FIRST APPEAL NO.3602 OF 2022

REKHABAI W/O.PRAKASH GHAYWAT & OTHERS
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO.LTD. &
ANOTHER

...

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

...

WITH

CIVIL APPLICATION NO.15885 OF 2022
IN FIRST APPEAL NO.3602 OF 2022

WITH

FIRST APPEAL NO.3602 OF 2022

...

ICICI LOMBARD GENERAL INSURANCE CO.LTD.
VERSUS
REKHABAI W/O.PRAKASH GHAYWAT & OTHERS

...

Advocate for the applicant – appellant : Mr.S.S.Patil h/f.
Mr.R.H.Dahat

Advocate for the respondent nos.1 to 3 : Mr.R.V.Gore

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CORAM : ARUN R. PEDNEKER, J.

DATE : 10.10.2023

P.C. :

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

1] The present Civil Application is filed by the claimants, who are widow, two minors and mother of the deceased, to withdraw the amount deposited by the Insurance Company in this Court.

2] The First Appeal is filed by the Insurance Company on the ground of non involvement of the insured vehicle in the accident and that the FIR is registered after 7 days of the incident. The investigation is conducted by the Investigating Officer and charge sheet is also filed in the matter. There is evidence that the vehicle was involved in the accident.

3] In view of the same, without going into the merits of the matter, the widow and mother of the deceased is permitted to withdraw Rs.6 lacs along with accrued interest thereon. The widow is also permitted to withdraw the interest that arises on the deposits made in this Court every quarter so as to enable her to meet the expenses of education of the children.

4] Civil Application is disposed of accordingly.

B] ORDER IN CIVIL APPLICATION FOR STAY

The applicant – Insurance Company has deposited entire award amount in this Court. The interim

stay granted by this Court stands confirmed. Civil Application is disposed of accordingly.

C] ORDER IN FIRST APPEAL

1] First Appeal is **admitted**.

2] On admission, Mr.R.V.Gore, learned counsel waives notice for the respondent nos.1 to 3.

3] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE

DDC