

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.731 OF 2023
IN
FIRST APPEAL NO.676 OF 2022

ICICI Lombard General Insurance Co. Ltd. Through its Manager Dadasaheb Dattu
Tarate

Vs.

Ku. Sunita d/o Manohar Lambat and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Anjali Agrawal, Advocate h/f Ms. Ashwini Athalye, Advocate for appellant.
Mr. Vivek Awchat, Advocate for respondent Nos.1 and 2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2023

1. The application is for substituted service to the respondent No.3. In view of the reasons mentioned in the application appellant is permitted to serve the respondent No.3 by substituted service.

2. Civil application No.731/2023 is disposed of.

Civil Application (CAF) No.1186/2023

1. The present application is seeking permission for withdrawal of the amount on behalf of respondent Nos.1 and 2 who are the original claimants.

2. As per the contention of the claimants that their bread earner died in the accident and now they are

suffering from the financial crisis and, therefore, they may be permitted to withdraw the amount of compensation.

3. Learned Advocate Ms. Agrawal holding for learned Advocate Ms. Athalye for the appellant has raised objection on the ground that the award is challenged before this Court by preferring this appeal. Alternatively, she submitted that 50% may be allowed subject to the condition of usual undertaking.

4. In view of the reasons mentioned in the application, the respondent Nos.1 and 2/original claimants are permitted to withdraw 50% of amount of the compensation along with the accrued interest on usual undertaking.

5. The appellant is at liberty to file appropriate application, if any occasion arises to withdraw the amount.

6. Civil application is disposed of.

7. Amount be disbursed on due identification and verification.

(URMILA JOSHI-PHALKE, J.)