



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**27 CIVIL APPLICATION NO. 10322 OF 2024
IN FAST/15495/2024**

RAJ ABHIMANYU SARVADE AND ANOTHER
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO LTD THROUGH BRANCH
MANAGER AND ANR

...
Advocate for Applicant : Mr. Suhas Rajendra Shirsath.

Advocate for Respondent No.1 : Mr. M. R. Deshmukh.

...
AND

CIVIL APPLICATION NO. 5832 OF 2024
IN FAST/15495/2024

AND

CIVIL APPLICATION NO. 5833 OF 2024
IN FAST/15495/2024

...

CORAM : **KISHORE C. SANT, J.**

DATE : 27th November, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for condonation of delay:

2 For the reasons stated in the application, the delay stands
condoned. The application is allowed. Appeal be registered.

Application for stay:

3 Since the amount is already deposited in this Court, there shall
be stay to the impugned judgment and award, pending the appeal.
The application stands disposed of.

Appeal:

4 Issue notice to respondents, returnable on 29th January, 2025. Mr. S. R. Shirsath, learned counsel waives notice on behalf of respondents / claimants.

5 The record and proceedings be called for.

6 Looking to the nature of the dispute, the parties are put to notice that if time permits, this Court may take up the appeal for final hearing at admission stage on receipt of record and proceedings.

Application for withdrawal of amount:

7 This application is for withdrawal of the amount deposited by the appellant in the office of this Court.

8 The application is vehemently opposed by the learned counsel for the appellant / insurance company. He submits that the involvement of the vehicle itself is doubtful. He further submits that though the disability is proved to the extent of 41%, still the learned Tribunal has taken the loss of earning capacity as 100%.

9 Considering all above factors, this Court is inclined to partly allow the application. Hence, the following order:-

ORDER

- I. The applicants are permitted to withdraw Rs.10,00,000/- (Rupees Ten Lakhs Only) out of the amount deposited in the office of this Court. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. If for some reason the appeal is not decided within one year, the applicants are at liberty to move this Court again for withdrawal of the remaining amount.
- III. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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