

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 6427 OF 2024
WITH
FIRST APPEAL STAMP NO. 25967 OF 2023**

Sangita Bhaskar Tople and Ors.

... Applicants

IN THE MATTER OFDivisional Manager, ICICI Lombard General
Insurance Company

... Appellant

Versus

Sangita Bhaskar Tople and Ors.

... Respondents

Mr. Sachin Gite, Advocate for the Applicants in IA/6427/2024 and for
Respondent Nos. 1 to 5 in FA(St.) No. 25967/2023
Smt. Varsha Chavan, Advocate for the Appellant.

CORAM : ARUN R. PEDNEKER, J.**DATED : 14th June, 2024.****P.C. :**

1. The appeal is filed by the appellant-Insurance company on the ground of negligence of the pick up vehicle and so also on the ground of quantum of compensation more particularly the interest granted therein. The Tribunal has held the motorcycle driver negligent in the instant case.
2. Learned counsel for the applicants submits that 25% of the amount of compensation deposited by the appellant-Insurance Company has already been withdrawn.
3. Perused the grounds of the appeal and the Judgment of the

Tribunal. As the appeal would take long time for disposal on admission, it would be appropriate to permit the applicant to withdraw further amount of 35% from the deposited compensation along with accrued interest. In view of the same, the application for withdrawal of amount is disposed of with a direction that applicants are permitted to withdraw further 35% of the amount which is deposited in the Tribunal along with accrued interest thereon.

4. The present Interim Application is allowed and disposed of.
5. The First Appeal is admitted.
6. On admission, Mr.Gite, learned counsel, waives notice for respondent Nos. 1 and 2.
7. Call R & P.
8. The appeal to be listed in due course.

(ARUN R. PEDNEKER, J.)

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