

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 6502 OF 2024
(for withdrawal)
with
FIRST APPEAL STAMP NO. 13086 OF 2023
with
INTERIM APPLICATION NO.12742 OF 2023
(FOR DELAY)
AND
INTERIM APPLICATION NO.12743 OF 2023
(FOR STAY)

Shakrunisha Rafatulla Shaikh and ors. Applicants
In the matter of
ICICI Lombard General Insurance Co. Ltd. ... Appellant
versus
Shakrunisha Rafatulla Shaikh and ors. Respondent

Ms. Avadhut Bidaye, Advocate for the Applicants/Claimants.
Ms. Varsha Chavan, Advocate for the Appellant.

CORAM : ARUN R. PEDNEKER, J.

DATE : 30th JULY, 2024.

P.C. :

1. The first appeal is filed by the appellant-Insurance Company on the ground that there is no evidence on record to establish that the accident occurred due to negligence of the car driver.
2. The learned counsel for the applicants/claimants submits that a charge-sheet is filed against the driver of the car who hit the motor cycle.

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3. Without going into the merits of the rival submissions, the major applicants are permitted to withdraw 65% of the amount to the extent of their share deposited before the Tribunal subject to the filing of undertaking to the satisfaction of the Presiding Officer of the Tribunal. The share of the minor applicants as well as the balance amount to remain deposited in any Nationalised Bank. Interim Application No.6502 of 2024 is accordingly disposed of.

4. For the reasons stated in Interim Application No. 12742 of 2023, the delay of 237 days in filing the appeal is condoned. The interim application accordingly stands disposed of. The first appeal be registered.

5. The first appeal is admitted.

6. On admission, Mr. Bidaye, learned counsel, waives service of notice on behalf of respondent Nos.1 to 7.

7. There shall be stay to the judgment and order passed by the Tribunal till the final disposal of the appeal. The Interim Application No.12743 of 2023 stands disposed of.

(ARUN R. PEDNEKER, J.)