



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL FIRST APPEAL NO. 190 OF 2023

ICICI LOMBARD General
Insurance Co. Ltd. Mumbai ...Appellant
vs.
Mr. Arif Akbar Pathan and Anr. ...Respondents

ALONGWITH
INTERIM APPLICATION NO. 11519 OF 2024
IN
CIVIL FIRST APPEAL NO. 190 OF 2023

Mr. Arif Akbar Pathan and Anr. ...Applicants
vs.
ICICI LOMBARD General
Insurance Co. Ltd. Mumbai ...Respondent

Adv. Varsha Chavan	Advocate for the Appellant
Mr. Amol Gatne i/by Ms. Swati U. Mehta	Advocate for the Respondent

CORAM : S. M. MODAK, J.
DATE : 24th OCTOBER 2024

P. C. :-

1. Heard learned Advocate Ms. Chavan for the Appellant- Insurance Company and learned Advocate Shri Gatne for the

Claimant-Respondent.

2. It is true that this Court has allowed the Claimants to withdraw 35 % as per Order dated 10.04.2023. Interim Application is filed for second withdrawal.

3. There is an emphasis by learned Advocate Ms. Chavan that in fact the accident took place due to sole negligence of the Claimant. There is divergent opinion about the answers given by the Claimant in the cross-examination. My attention is invited to para no. 26 of page no. 58 of the compilation. Suggestion was given to the Claimant that accident took place due to your negligence. There is divergent of opinion, 'whether he has admitted that suggestion or denied it'. No doubt, it is true that in the concerned line the word 'not' is not typed word, but it is handwritten word.

4. In view of that let record and proceedings be called on the next date to decide the withdrawal application on that date.

5. Matter be kept on **14th November 2024**.

[S. M. MODAK, J.]