



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

144 CIVIL APPLICATION NO. 6564 OF 2025
IN FA/414/2025
WITH
FIRST APPEAL NO. 414 OF 2025
WITH
CIVIL APPLICATION NO. 2170 OF 2025
IN FA/414/2025

BHIKA CHAMARYA KOKANI AND ORS
VERSUS
THE DIVISIONAL MANAGER ICICI LOMBARD GENERAL AND ORS

...
Advocate for Applicant : Mr. Priteshkumar N. Jain
Advocate for Respondent No. 1 : Mr. Abhijit Choudhari
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 02.09.2025

PER COURT :

ORDER ON WITHDRAWAL APPLICATION :

1. Heard both sides.
2. The applicants pray for withdrawal of Rs. 34,29,554/- besides statutory deposits of Rs. 25,000/-. The applicants are the dependents on the deceased, who was doing mason work. It is submitted that they are in dire necessity of the money.

3. The Insurance Company has opposed the application. It is submitted that no material is placed on record to show the income. The deductions towards personal expenses are incorrectly applied by the Tribunal. It is a death claim. The contest is mainly on the quantum. I find it appropriate to permit the applicants to receive total 75% of the amount deposited by the Insurance Company.

4. The application is partly allowed permitting the applicants to receive 50% of the deposited amount with accrued interest on furnishing an undertaking and further 20% amount on furnishing solvent surety/security to the satisfaction of the Superintendent of M.A.C.T. Nandurbar.

5. The balance amount shall be invested in any Nationalized Bank.

6. The amount which is receivable by the applicants shall be transmitted to the Account at M.A.C.T. Nandurbar/Tribunal and the same shall be disburse from the Tribunal at Nandurbar to the Claimants.

ORDER IN FIRST APPEAL :

1. **Admit.**

2. Mr. Jain, waives service of notice for respondents.

3. Issue notice to respondent No. 4, returnable on 04.11.2025.

ORDER ON STAY APPLICATION :

4. As the entire amount is deposited, ad-interim- relief granted earlier stands confirmed.

5. The Civil Application stands disposed of.

**(SHAILESH P. BRAHME)
JUDGE**

mahajansb/