



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

36 CIVIL APPLICATION NO. 4164 OF 2025  
IN FA/2593/2024

Smt. Anjum Wd/O Shafiq Shaikh And Another  
Versus  
The Manger ICICI Lombard Insurance Co. Ltd. And Ors.

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Mr. A. A. Nimbalkar, Advocate for Applicants  
Mr. Abhijit Choudhari, Advocate for Respondent No. 1  
Mr. S. N. Bora, Advocate for Respondent Nos. 2 and 3

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CORAM : S. G. CHAPALGAONKAR, J.  
DATE : 17<sup>th</sup> APRIL, 2025

**ORDER :**

1. Heard learned advocate appearing for respective parties.  
The applicants are seeking permission to withdraw amount deposited by the respondent/insurance company in pursuance to award passed under provisions of Motor Vehicles Act, 1988 (for short, "**M.V. Act**"). The applicants/claimants were dependent on the income of the deceased. He died in motor vehicle accident dated 10.05.2022. The claimants filed the proceeding under Section 166 of the M. V. Act raising claim against owner and insurer of offending vehicle.
2. The insurer contested the claim on the ground that the driver of the insured vehicle was incompetent to drive vehicle or did not

possess the driving license, as such there is substantial breach of conditions of the policy.

3. The Tribunal after evaluation of the evidence passed an award for Rs. 8,15,000/- along with interest at the rate of 8% per annum in favour of claimants. The appellant/insurer has filed present appeal carrying forward defence on the point of driving license.

4. Considering the submissions advanced and reasons as stated in the impugned order, the applicants are certainly entitled for partial withdrawal of the amount. Hence, application is allowed.

5. Applicants are permitted to withdraw 60% compensation amount as deposited by the respondent/insurer along with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court that they shall redeposit amount, in case adverse order is passed this appeal.

**[S. G. CHAPALGAONKAR]**  
**JUDGE**

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