



(1)

922-CA-11505-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO. 11505 OF 2025
IN FA/922/2025

Kaveri Rameshwar Jawale

VERSUS

Icici Lombard General Insurance Company Ltd

WITH

CIVIL APPLICATION NO. 5542 OF 2025
IN FA/922/2025

...

Mr. Rahul Dattoba Khadap, Advocate for Applicant.

Mr. M. R. Deshmukh, Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 15th OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed for withdrawal of the amount deposited by the appellant Insurance Company in the office of this Court.
3. The application is vehemently opposed by the learned Advocate Mr. Deshmukh for respondent No.1. He submits that, in the present case the accident has taken place in two motorcycles. It is held on collision.

Ethape

The Court has not considered the ground of contributory negligence. He submits that the quantum is also quite on higher side. The age of the deceased is not proved to be below 40 years. The Court still has granted 40% future prospect instead of 25%. The income is also considered to be Rs.10,000/- per months. Considering that even if the liability would come to some lesser amount, till the applicant would be entitled to receive the compensation. As it is the amount is lying idle in the office of this Court. It is not in the interest of any of the parties to keep the amount idle. Hence, the following order:

ORDER

- (i) Application is allowed.
- (ii) The applicant is permitted to withdraw 50% of the amount deposited in the office of this court alongwith accrued interest on furnishing usual undertaking.
- (iii) Further 25% of the amount alongwith accrued interest is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

(iv) The remaining amount be kept in fixed deposit in any nationalized bank till final disposal of the first appeal.

(v) With this Civil Application stands disposed off.

STAY APPLICATION

4. Though respondent No.5 is not yet served, this Court finds that the main contesting party is only claimant/respondent. The amount is already deposited in the office of this Court.

5. Considering above, there shall be stay to the impugned judgment and award till final disposal of the first appeal.

6. With this, civil application stands disposed off.

[KISHORE C. SANT, J.]