



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

76 CIVIL APPLICATION NO. 7477 OF 2025
IN FAST/32722/2024

NAFIS MAGDUM SHAIKH

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO LTD THROUGH ITS BRANCH
MANAGER AND ORS

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Advocate for Applicant : Mr. Shinde Ram Shivajirao
Advocate for Respondent no. 1 : Mr. Mohit R. Deshmukh

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CORAM : SHAILESH P. BRAHME, J.

DATE : 18.08.2025

PER COURT :

Heard both the sides.

2. Present application is for withdrawal of amount of Rs. 43,50,272/- deposited by the respondent-Insurance Company with statutory deposits of Rs. 25,000/-.

3. It is contended by the learned counsel for the applicant that his client suffered amputation of leg in an accident. He was a vegetable vendor and the accident has caused loss of 85% of the earning capacity. It is further submitted that virtually his earning capacity has been affected.

4. Learned Counsel Mr. Deshmukh for respondent-insurance company would vehemently submit that accident in question is doubtful. There is inaction on the part of the applicant or his family members in reporting the accident in time. He would further submit that the quantum is also vulnerable.

5. I have considered the rival submissions of the parties. The

submissions on quantum cannot be decided at this stage of proceedings. Accident occurred on 10.12.2017. The applicant was hospitalized on 10.12.2017 to 23.12.2017. Thereafter for about seven days he was at home. First information report was lodged on 08.01.2018. It is incomprehensible as to why the report was not lodged to the police in time, when it was a vehicular accident. At the same time, it cannot be overlooked that the applicant suffered amputation of leg causing disability and affecting his earning capacity. Ends of justice would be met in permitting the applicant to receive Rs. 15,00,000/- on furnishing solvent surety/security.

6. The Civil Application is partly allowed permitting the applicant to receive Rs. 15,00,000/- (Rs. Fifteen Lakh only) on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank.

(SHAILESH P. BRAHME, J.)

mkd/-