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910-CA-11185-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 11185 OF 2025
IN FA/221/2024

Rameshwar Baban Late

VERSUS

Icici Lombard General Insurance Co Ltd Through Branch Manager And
Ors.

WITH

CIVIL APPLICATION NO. 811 OF 2024
IN FA/221/2024

WITH

CIVIL APPLICATION NO. 11186 OF 2025
IN FA/221/2024

...

Mr. Swapnil Sunilkumar Dargad, Advocate for Applicant.

Mr. Rohit H. Dahat, Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 10th 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. The amount deposited is approximately 50% of the amount awarded by the trial

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Court alongwith interest.

3. The learned Advocate for the appellant vehemently opposed the application. He submits that two vehicles were involved in the accident. The Court has fastened liability on both the companies. The other Insurance Company has already filed an appeal. However, no steps have been taken by it so far. The applicant can very well proceed against the other company as well. He further submits that it is the other vehicle, on which the present applicant was riding, which is solely responsible for the accident. The charge-sheet is filed only against that vehicle. He submits that no liability, in fact, would come upon the present appellant. This Court, at this stage, need not go into all these aspects. This Court has taken it as joint liability. Since the amount is already deposited by the present appellant, following order:-

ORDER

- (i) Civil Application is partly 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 to the satisfaction of the learned Registrar (Judicial) of this Court.

(iii) It is clarified that, the applicant is at liberty to proceed against the another Insurance Company, as there is no stay in the appeal filed by the another Insurance Company.

(iv) In view of above order, this Court does not finds any propriety in granting relief in the application for vacating the stay.

(v) With this, civil applications stand disposed off.

[KISHORE C. SANT, J.]