



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 CIVIL APPLICATION NO. 10618 OF 2025
IN FA/1633/2023

SHAIKH ROSHANBI ALISAS SHAIKH ROSHAN SHAIKH IQBAL AND ORS
VERSUS
SHRIKANT CHANDRAKANT PAWAR

...
Mr. A. G. Deshmukh, Advocate for Applicant
Mr. R. H. Dahat, Advocate for Respondent No.2

...
WITH
CIVIL APPLICATION NO. 4753 OF 2023
IN FA/1633/2023

ICICI LOMBARD GENERAL INSURANCE CO LTD
VERSUS
SHAIKH ROSHANBI SHAIKH IQBAL

...

CORAM : AJIT B. KADETHANKAR, J.
DATE : 26.09.2025

PER COURT :-

CIVIL APPLICATION NO. 10618 OF 2025 IN FA/1633/2023 (Withdrawal)

1. Feeling aggrieved by the judgment and order dated 22.11.2022, passed by the learned Motor Accident Claims Tribunal, Beed, in M.A.C.P No.110 of 2016, the Insurance Company had lodged the present appeal in this Court.
2. The learned counsel for the Insurance Company submits that the

appeal is purely on quantum, and that without considering the parameters laid down by the Hon'ble Supreme Court, the learned Tribunal has granted an exorbitant award of Rs. 42,29,000/- together with interest at 5% per annum. The appellant/Insurance Company has deposited the entire award amount in this Court, together with the accrued interest. On this backdrop, the Civil Application is filed by the claimants/applicants seeking permission to withdraw the deposited amount.

3. The learned counsel for the applicants submits that Applicants Nos. 2 to 4 have attained majority during the course of time and that he represents them by way of authority. He further submits that the entitlement of the applicants has been assessed by the Tribunal after considering the evidence on record.

4. The learned counsel for the appellant/Insurance Company contends that there is a strong hopes of success in the appeal. The appeal is raised only on the quantum and if the entire award amount is permitted to be withdrawn, it would adversely prejudice the Insurance Company's interest.

5. Having heard both sides at length, I find that the entitlement of the claimants has already been adjudicated by the Tribunal after assessment of evidence and examination of facts. The quantum fixed by the Tribunal appears to have been determined after applying its judicious mind and considering the

relevant parameters. The issue of an exaggerated or excessive compensation can certainly be addressed by this Court at the final hearing of the appeal. Till then, the applicants are entitled to withdraw at least a portion of the deposited amount. Accordingly, I pass the following order:

ORDER

- a. Civil Application is partly allowed.
- b. Applicants are permitted to withdraw an amount of Rs.40,00,000/- along with interest accrued thereon on furnishing usual undertaking and further Rs.5,00,000/- along with interest accrued thereon on furnishing solvent security/surety to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. The remaining amount shall be deposited in fixed deposit in any nationalized bank.
- d. Civil Application stands disposed of.

CIVIL APPLICATION NO. 4753 OF 2023 IN FA/1633/2023 (Stay)

1. In view of the fact that the appellant/Insurance Company has deposited the entire award amount in this Court and part of the amount is now allowed to be withdrawn by the claimants, the earlier stay granted is made absolute.
2. Civil Application is allowed in terms of prayer clause "B".

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1. List this matter on 04.11.2025.
2. Call Record and Proceeding.
3. Parties to note that the appeal shall be heard finally at the stage of admission.

CIVIL APPLICATION NO.10625 OF 2025 IN FAST/1633/2023

1. The learned counsel for the applicants submits that the Civil Application No. 10625 of 2025 was also filed by the claimants seeking withdrawal, but due to some error in drafting and in view of the order passed in the present Civil Application No. 10618 of 2025, he does not wish to press that application further.
2. Therefore, Civil Application No.10625 of 2025 stands dismissed.

[AJIT B. KADETHANKAR, J.]

PRW