



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12235 OF 2025
IN FAST/15554/2025

Samiksha Bhau Gharbude And Ors
VERSUS
ICICI Lombard General Insurance Company

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Mr. Anant Ramahari Devakate a/w Adv. Nisheegandha Deokar,
Advocate for Applicants

Mr. A. G. Choudhari, Advocate for Respondent no.1

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WITH
CIVIL APPLICATION NO. 5533 OF 2025
IN FAST/15554/2025

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 02nd DECEMBER, 2025

PER COURT :-

CIVIL APPLICATION NO. 12235 OF 2025

1. This is an application seeking withdrawal of amount deposited by the Insurance Company in this Court as per the impugned judgment and award.
2. Perused the application. Heard learned Advocates for both the sides.
3. Learned Advocate for the respondent strongly opposed the application and submitted that the doubtful case has been put-forth by the claimants and prayed to reject the application.

4. Considering the peculiar set of the facts, the application deserves to be partly allowed in the interest of justice. Hence, the following order:

ORDER

- a. Civil Application is partly allowed.
- b. Applicants are permitted to withdraw 50% amount deposited in this Court alongwith interest accrued thereon on furnishing usual undertaking and 25% on furnishing surety to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Out of 75% permitted amount to be withdrawn, Rs.1,00,000/- be paid to the applicant nos.7 and 8 each, and Rs.10,00,000/- be paid to the applicant no.6/wife. Remaining amount be deposited in the fixed deposit in any nationalized bank for five years as the other claimants are minors.
- d. Quarterly interest on the fixed deposit be paid to the applicant no.6/wife.
- e. If the 7/12 Extract, House Assessment Extract or Property Card is submitted by the applicants/claimants, Registry is directed to accept this as surety without insisting on its formal valuation from any authority.
- f. Civil Application stands disposed of.

CIVIL APPLICATION NO. 5533 OF 2025

1. This is an application seeking condonation of delay of 09 days caused in filing the present First Appeal.
2. Perused the application. Heard learned Advocates for both the sides.
3. Considering the reasons stated in the application and period of delay, it appears that the delay is not deliberately caused. Hence, following order:

ORDER

- a. Civil Application stands disposed of.
- b. Delay of 09 days caused in filing First Appeal is hereby condoned.
- c. Civil Application stands disposed of.

CIVIL APPLICATION NO. 5534 OF 2025

1. This is an application seeking stay to the execution and operation of the impugned judgment and award.
2. Perused the application. Heard learned Advocate for both the sides.
3. Learned Advocate for the appellant submitted that the entire amount as per the impugned judgment and award is deposited in this Court.

4. Considering the fact, Civil Application deserves to be allowed and is allowed in terms of prayer clause 'B'. Civil Application stands disposed of.

FIRST APPEAL ST. NO.15554 OF 2025

1. Issue notice to the respondents, returnable on 20.01.2026. Learned Advocate Mr. Anant Devkate waives service of notice for respondent nos.1 to 8.

2. Call Record and Proceedings.

(SANJAY A. DESHMUKH, J.)