



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 FIRST APPEAL NO. 2024 OF 2024

The Branch Manager, Icici Lombard General Insurance Co Ltd

VERSUS

Sunanda Dilip Patil And Others.

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Advocate for Appellant : Mr. M.R. Deshmukh

Advocate for Respondents : Mr. M.S. Kulkarni

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WITH

CIVIL APPLICATION NO. 269 OF 2025 IN FA/2024/2024

WITH

CIVIL APPLICATION NO. 13747 OF 2024 IN FA/2024/2024

Sunanda Dilip Patil And Others

VERSUS

The Branch Manager, Icici Lombard General Insurance Co Ltd

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Advocate for Applicants : Mr. M S Kulkarni.

Advocate for Respondents : Mr. M.R Deshmukh

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 22, 2025

ORDER :-

FIRST APPEAL :-

1. Heard learned advocates appearing for the respective parties.
2. After hearing for some time, need is felt to call for Record and Proceeding. Hence, Call Record and Proceeding.
3. Parties are put to the notice that First appeal may be heard finally at the stage of admission.

4. Issue notice to respondent nos.4 and 5 indicating that appeal itself may be heard finally at the stage of admission, returnable on 20.02.2025. The appellants shall be at liberty to serve respondent nos.4 and 5 by any other private mode as is permissible under law in addition to the regular service.

CIVIL APPLICATION NO. 269 OF 2025 IN FA/2024/2024 :-

5. Heard. This application To be heard along with the appeal.

CIVIL APPLICATION NO. 13747 OF 2024 IN FA/2024/2024 (withdrawal of amount) :-

6. Heard learned advocates appearing for the respective parties.

7. The applicants are original claimants. They instituted the claim for compensation under section 166 of the Motor Vehicles Act. The Tribunal, after considering rival contentions allowed claim petition. The appellant-insurer filed present appeals assailing the award passed by the Tribunal. However, as directed by this Court, deposited the entire amount i.e. Rs.85,81, 274/- with Registry of this Court.

8. Learned counsel appearing for the appellant submits that, in fact it is not a case of accidental death of victim, but he committed suicide. In fact, there is no basis or foundation to this defence before the Tribunal. In that view of the matter, at present the applicants are permitted to withdraw 50% of the

awarded amount on furnishing usual undertaking to the satisfaction of the Registrar (Judicial). C.A. stands **disposed of**.

(S. G. CHAPALGAONKAR, J.)

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aaa/-