

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1366 OF 2025  
IN FA/488/2025

Dinkar Uttamrao Waghmare

VERSUS

ICICI Lombard General Insurance Compnay Ltd Through Its  
Authorized Signatory And Another

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Advocate for Applicant : Mr. Amol Subhash Gandhi  
Advocate for Respondent No.1 : Mr. M.R. Deshmukh

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CORAM : S.G. CHAPALGAONKAR, J.

DATED : APRIL 24, 2025

PER COURT :

1. Heard learned advocates appearing for respective parties.
2. Applicant seeks permission to withdraw amount deposited by appellant/insurer in pursuance to award passed by the Tribunal. The applicant was injured in motor vehicular accident dated 25.05.2018 while he was proceeding on motorcycle bearing Registration No. MH-21-AM-1024, which alleged to have collided with another motorcycle bearing Registration No. MH-23-AV-0501. The applicant instituted MACP No.109 of 2019 raising claim for compensation under Section 166 of Motor Vehicles Act.
3. Respondent/insurer contested the claim raising defence of false implication of insured vehicle for the reason that there is inordinate delay in reporting the accident. The Tribunal after evaluation of evidence, observed that the history of road accident is

(2)

mentioned in medical papers. The history recorded at Dunakhe Hospital and J.J. Plus Hospital mentions about accident of offending motorcycle. The claimant was seriously injured and he was treated at multiple hospitals. As such, the Tribunal accepted the case of claimant and passed an award for Rs.12,76,093/-.

4. Considering the reasons as recorded by the Tribunal, *prima facie*, claimant has made out a case for grant of partial withdrawal of amount, subject to certain conditions. Hence, following order :

#### **ORDER**

- (i) Application is partly allowed.
- (ii) Applicant is permitted to withdraw amount of Rs.10,00,000/- (Ten Lakh) from the amount deposited by appellant/insurer on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court on the condition that, in case, adverse order is passed in appeal, he shall re-deposit the amount withdrawn.
- (iii) Application stands disposed of.

**(S.G. CHAPALGAONKAR, J.)**