



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**960 CIVIL APPLICATION NO. 10676 OF 2024
IN FAST/38871/2023**

**GOPAL SUKLAL KUMBHAR AND ANR
VERSUS
DAYARAM MAHARU BARELA AND ORS**

Mr. R. R. Kazi, Advocate for the applicants
Mr. S. S. Patil h/f Mr. R. H. Dahat, Advocate for respondent No.3.

**WITH
CIVIL APPLICATION NO. 2034 OF 2024
IN FAST/38871/2023
ICICI LOMBARD GENERAL INSURANCE CO LTD
VERSUS
GOPAL SUKLAL KUMBHAR AND ORS**

Mr. S. S. Patil h/f Mr. R. H. Dahat, Advocate for respondent No.3.

**WITH
CIVIL APPLICATION NO. 2035 OF 2024
IN FAST/38871/2023
ICICI LOMBARD GENERAL INSURANCE CO LTD
VERSUS
GOPAL SUKLAL KUMBHAR AND ORS**

Mr. S. S. Patil h/f Mr. R. H. Dahat, Advocate for respondent No.3.

**CORAM : R. M. JOSHI, J.
DATE : 21st FEBRUARY, 2025**

PER COURT :-

ORDER BELOW CIVIL APPLICATION NO. 10676 OF 2024

1. This application is filed by the original claimants for withdrawal of amount deposited by the appellant-Insurer.

2. It is the contention of the learned counsel for the applicants/original claimants that they are entitled to withdraw entire amount since this is case of death of a child.

3. Learned counsel for the insurer opposed the said contention by pointing out that the appellant has fairly good case to succeed on the merit in this appeal since amount of compensation of Rs.10 lakhs granted on account of death of child is excessive.

4. In the facts of the case and having regard to the various judgment in which the amount of compensation in case of child death is determined, it is a fit case to allow withdrawal of Rs.5 lakhs along with accrued interest subject to usual undertaking.

5.. Hence, application stands allowed in above terms.

ORDER BELOW CIVIL APPLICATION NO. 2035 OF 2024

6. Admittedly, the awarded amount under MACP No. 105/2016 is already deposited in this Court.

7. Hence, application stands allowed in terms of prayer clause 'B'.

(R. M. JOSHI, J.)

ssp