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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.8841 OF 2024
WITH
INTERIM APPLICATION NO.8842 OF 2024
IN
FIRST APPEAL STAMP NO.14105 OF 2024
WITH
FIRST APPEAL STAMP NO.14105 OF 2024

ICICI Lombard General Insurance Co. Ltd. ...Applicant/Appellant
vs.
Ms. Femida Mohammad Idris Shaikh & Anr. ...Respondents

WITH
INTERIM APPLICATION NO.7418 OF 2025
IN
FIRST APPEAL STAMP NO.14105 OF 2024

Ms. Femida Mohammad Idris Shaikh & Anr. ...Applicant

In the matter between

ICICI Lombard General Insurance Co. Ltd. ...Appellant
vs.
Ms. Femida Mohammad Idris Shaikh & Anr. ...Respondents
Mr. Rajesh Kanojiya for the Applicant/Appellant.
Mr. Saumen S. Vidyarthi with Ishita Bhole for Respondent No.1.

CORAM : SHYAM C. CHANDAK, J.

DATE : 24th APRIL 2025

P. C. :

INTERIM APPLICATION NO.8841 OF 2024

. Heard.

2) Present Application seeking condonation of 139 days delay in filing the aforesaid Appeal.

3) Despite service, Respondent No.2 did not file his appearance. The delay is not huge. Learned Advocate for Respondent No.1 has opposed the Application.

4) The Applicant has not taken advantage on account of the said delay. In view thereof and considering the reasons stated in the Application, the delay of 139 days in filing the aforesaid Appeal is condoned. Appeal be registered forthwith.

5) Application is disposed of accordingly.

INTERIM APPLICATION NO.8842 OF 2024

. Heard.

2) Mr. Kanojiya, learned Advocate for the Appellant stated that as per interim stay order granted on dated 9th May 2024, the Applicant/Appellant has deposited entire decretal amount in the Motor Accident Claims Tribunal, Mumbai.

3) In view thereof, the Application stands allowed in terms of prayer clause (b).

4) Application is disposed of.

INTERIM APPLICATION NO.7418 OF 2025

. Present Application filed by Respondent No.1-claimant seeks permission to withdraw the entire decretal amount.

2) Mr.Kanojiya, learned Advocate for the Appellant opposed the Application.

3) The Applicant was aged 12 years at the time of the accident. Presently, the Applicant is aged 20 years. The left leg of the Applicant was amputated due to the accidental injury. The claim was filed in the year 2017. Since then, the Applicant has been waiting for compensation. The Applicant is in need of prosthetic leg.

4) In view thereof and considering the reasons stated in the Application, the Applicant is permitted to withdraw 40% of the compensation amount along with proportionate interest subject to furnishing an undertaking that in case the Appellant succeeds in this Appeal, the Applicant would refund the said amount along with interest as would be directed by this Court. The Tribunal shall invest remaining amount with Nationalised bank giving highest interest from time to time.

5) Application is disposed of accordingly.

FIRST APPEAL STAMP NO.14105 OF 2024

. Heard.

2) Issue notice to the Respondents, returnable on **12th August 2025**. Parties to note that the aforesaid Appeal shall be heard finally at the stage of admission.

3) Mr.Vidyarthi, learned Advocate waives service on behalf of

Respondent No.1.

4) Learned Advocate for the Appellant to supply spare copy of the Appeal in the Registry within a period of two weeks from today, for service of notice on Respondent No.2. In addition to the Court's notice the Appellant to serve Respondent No.2 by private notice and file the affidavit of service on or before the returnable date. ***Hamdast*** allowed.

5) Parties are at liberty to file necessary compilation of documents strictly as per the Tribunal's record on or before the next date.

(SHYAM C. CHANDAK, J.)