IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.8884 OF 2025
IN
FIRST APPEAL NO. 482 OF 2025

Aditya Balasaheb Patil .. Applicant

IN THE MATTER BETWEEN
ICICI Lombard General Insurance Co Ltd ..Appellant
Versus

Aditya Balasaheb Patil & Anr .. Respondents

Mr. Satish Talekar, *with Savi Lodam i/b Talekar & Associates, Advocates for the Applicant.*

Mr. Devendranath S. Joshi, *Advocates for Orig.Appellant.*

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.

DATE: AUGUST 8, 2025

P. C.

1. The above Interim Application is filed by the Applicant to withdraw the amount of compensation deposited by the Appellant-Insurance Company before the Motor Accident Claims Tribunal,Pune ("***MACT***") as a condition precedent for seeking a stay of the impugned judgment and order assailed in the First Appeal. The amount deposited with the MACT is Rs.2,06,59,527/-.

2. The aforesaid withdrawal was vehemently opposed by the Appellant-Insurance Company. One of the grounds on which the opposition is based is non-involvement of the vehicle insured by the Appellant-Insurance Company. In other words, it is the case of the Appellant-Insurance Company that they are not liable to pay anything.

3. Having heard the learned counsel for the parties, and considering the peculiar facts and circumstances of this case, we find that interest of justice would be served, if we permit the Applicant to withdraw 25% of the amount deposited, upon furnishing an undertaking to the MACT that in the event the Appellant-Insurance Company succeeds, they shall bring back the amount withdrawn, or any part thereof, together with interest @ 7% p.a. (simple interest) from the date of withdrawal. The Applicant is also permitted to withdraw a further amount of 25% of the amount deposited upon furnishing a bank guarantee of any Nationalized Bank. The Bank Guarantee shall also provide for payment of interest @ 7% p.a. (simple interest) and the same shall be kept alive till the disposal of the above Appeal or until further orders passed by this Court in that regard. A copy of the Bank Guarantee and/or any renewal of the same shall be submitted to the advocates for the Appellant-Insurance Company.

4. We have passed this order in the peculiar facts and circumstances of this case because the Applicant has sustained grave injuries and is suffering from a 60% disability.

5. We accordingly direct as under:-

a) The Applicant is permitted to withdraw 25% of the amount by furnishing an undertaking to the MACT that in the event the Appellant-Insurance Company succeeds, they shall bring back the aforesaid amount, or any part thereof, together with interest @ 7% p.a. (simple interest) from the date of withdrawal.

b) The Applicant is also permitted to withdraw a further amount of 25% on furnishing a bank guarantee of any Nationalized Bank. The Bank Guarantee shall also provide for payment of interest @ 7% p.a. (simple interest), and the same shall be kept alive till the disposal of the above Appeal, or till further orders passed by this Court in that regard.

c) As far as the balance 50% is concerned, the same will continue to remain invested and shall abide by the further orders passed in this Appeal.

6. The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.] **[B. P. COLABAWALLA, J.]**

Aswale