



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAF) NO 1710 OF 2025

IN

FIRST APPEAL NO. 924 OF 2024

(ICICI Lombard Ins. Co Ltd Vs. Mithun Gowardhan Khadse and ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Mohit Madhwani, Advocate for appellant.
Ms. Monali Pathade, Advocate for applicant/respondent Nos. 1 to 3.
Mr. N.S. Khandewale, Advocate for respondent No.4.

CORAM : ABHAY J. MANTRI, J.

DATED : 28-07-2025

Heard.

2. The applicants/respondent Nos. 1 to 3 have filed this application to permit them to withdraw the entire compensation amount along with interest accrued thereon, deposited by the appellant in this Court, for which learned counsel for the appellant objected.

3. Having considered the reasons disclosed in the application, I do not find substance in the objection of the appellant not to permit to applicant to withdraw the compensation amount but in my view, the applicant can be permitted to withdraw the 50% amount along with accrued interest thereon, on his furnishing usual undertaking, which would not cause prejudice to the right of the appellant as the order of pay and recover is passed. As such, the application is partly allowed. The applicant is permitted to withdraw 50% of the amount, along with the accrued interest.

4. Registrar (J) is directed to transfer 50% of the compensation amount along with interest, within five weeks, to the bank account of the applicant, on his furnishing usual undertaking and bank account details to the Registry.

FIRST APPEAL NO. 925 OF 2024

Heard.

2. Having considered the grounds disclosed in the appeal memo, the appeal is '**Admitted**'.
3. Issue notice to the respondents, returnable after five weeks.
4. Ms. Pathade, learned counsel, waives notice for respondent Nos. 1 to 3.
5. Mr. Khandewal, learned counsel, waives notice for respondent No. 4.
6. Call for record and proceedings.
7. List the matter after receipt of the record and proceedings.

(ABHAY J. MANTRI, J.)

Belkhede