



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**916 CIVIL APPLICATION NO. 10510 OF 2025**  
IN FA/536/2025

ASHOK GINU RATHOD  
VERSUS  
THE GENERAL MANGER ICICI LOMBARD GENERAL INSURANCE  
COMPANY

...  
Advocate for Applicant : Mr. Swapnil Sunilkumar Dargad.  
Advocate for Respondent No.1 / Appellant : Mr. M. R. Deshmukh.  
...

CORAM : **SANJAY A. DESHMUKH, J.**  
DATE : 09<sup>th</sup> January, 2026.

**P.C.:**

1 This application is for withdrawal of the amount deposited by the appellant in this Court as per the impugned judgment and award.

2 Perused the application. Heard the learned counsel for the parties.

3 The learned counsel for the appellant / insurance company strongly opposes the application and submits that additional premium is not paid for covering the passenger. He, therefore, prays to reject the application.

4 Perused the application and the impugned judgment and award.

5 The learned counsel for the applicant has pointed out the judgment of the Honourable Supreme Court in the case of ***Sunita and***

***others Vs. United India Insurance Co. Ltd. and others, 2025 All SCR 1968***, in which the Honourable Supreme Court held that, applying the above expositions of law, the Courts below ought to have directed the Insurance Company to indemnify the amount and thereafter recover the same.

6 Considering this position of law, it would be proper to partly allow the application. Hence, the following order :-

### **ORDER**

- I. The application is partly allowed.
- II. The applicant is permitted to withdraw 50% of the amount with accrued interest thereon deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest thereon is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.
- III. The Registry is directed to not to insist for the actual valuation of the property of the surety.
- IV. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

**[ SANJAY A. DESHMUKH, J. ]**