



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

942 CIVIL APPLICATION NO. 12315 OF 2025
IN FA/2337/2025

SMT FARIN KAUSAR SHAIKH AABID KURESHI AND ORS
VERSUS
ICICI LOMBARD GENERAL INSURANCE COMPANY LTD AND ANR

...
Advocate for Applicant : Mr. Madhav Moreshwar Bhokarikar.
Advocate for Respondent No.1 : Mr. Mohit R. Deshmukh.
...

WITH
CIVIL APPLICATION NO. 9866 OF 2025
IN FA/2337/2025
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 16th January, 2026.

P.C.:

1 Heard the learned counsel for the parties. Perused the applications.

Application for stay:

2 This is an application seeking stay to the execution of the impugned judgment and award.

3 The learned counsel for the applicant / appellant submits that the entire amount as per the impugned judgment and award is deposited in this Court.

4 In view of the above, there shall be stay to the impugned judgment and award till the pendency of the appeal. The application stands disposed of.

Application for withdrawal of amount:

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

6 The learned counsel for respondent No.1 strongly opposes the application and submits that exorbitant amount of compensation has been awarded by the Tribunal. It has not considered the earning capacity of the injured claimant. He, therefore, submits to reject the application.

7 For the reasons stated in the application and considering the arguments of both the sides, the following order is passed :-

ORDER

- I. The application is partly allowed.
- II. The applicants are permitted to withdraw 25% 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 Further 25% of the amount with accrued interest thereon is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.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.]

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