



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 13920 OF 2025 IN FAST/37444/2023**

**Kamlabai Ratansingh Sulane And Others**

**VERSUS**

**Icici Lombard General Insurance**

...

**Mr. R. V. Gore, Advocate for Applicants**

**Mr. M. R. Deshmukh, Advocate for Respondent no.1**

**WITH**

**CIVIL APPLICATION NO. 15001 OF 2023 IN FAST/37444/2023**

**WITH**

**CIVIL APPLICATION NO. 15002 OF 2023 IN FAST/37444/2023**

**CORAM : SANJAY A. DESHMUKH, J.**

**DATED : 16<sup>TH</sup> FEBRUARY, 2026**

**PER COURT :-**

**CIVIL APPLICATION NO. 13920 OF 2025**

1. This is an application for permission to withdraw the award amount deposited under the impugned judgment and award.
2. Perused the application. Heard learned Advocates for both the sides.
3. Learned Advocate for the respondent no.1 strongly opposed the application and submitted that the crime was initially registered against one motorcycle and, subsequently, came to be registered against another motorcycle, whose registration number was later changed. He further submitted that the respondent/Insurance Company examined an employee of the R.T.O. Department to establish that the first vehicle involved was a motorcycle not insured with the respondent/Insurance Company. He further submitted that the insured motorcycle has been falsely implicated in the accident by way of a supplementary statement. He, therefore, prayed to reject the application.

4. Upon perusal of the application, the impugned judgment and the peculiar set of facts of the case, it would be proper to allow the application partly. Hence, the following order:

**ORDER**

- a. Civil Application is partly allowed.
- b. Applicants are permitted to withdraw the 50% amount deposited in this Court by the Insurance Company alongwith interest accrued thereon upon furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Civil Application is disposed of.

**CIVIL APPLICATION NO. 15002 OF 2023**

1. This is an application for granting stay to the execution and operation of the impugned judgment and award.
2. Perused the application. Heard learned Advocates for both the sides.
3. Learned Advocate for the appellant submits that the entire award amount under impugned judgment and award is deposited in this Court and prayed to allow the application.
4. In view of above submission, Civil Application deserves to be allowed and the same is allowed and disposed of.

**CIVIL APPLICATION NO. 15001 OF 2023**

1. This is an application for condonation of delay of 225 days caused for filing First Appeal.
2. Perused the application. Heard learned Advocates for both the sides.

3. Learned Advocate for the respondent strongly opposed the application and submitted that the delay is not properly explained and there is no sufficient reason to condone the delay. He lastly prayed to reject the application.

4. Upon perusal of the application, it appears that the delay is caused for processing of the appeal and the delay is not deliberate one. Therefore, in the interest of justice, the present application deserves to be allowed. Hence, the following order:

**ORDER**

- a. Civil Application is allowed.
- b. Delay of 225 days caused for filing First Appeal is condoned.
- c. Civil Application is disposed of.

**FIRST APPEAL ST. NO.37444 OF 2023**

- 1. Issue notice to the respondents, returnable on 15.04.2026. Learned Advocate Mr. R. V. Gore waives service of notice for respondent nos.1 and 2.
- 2. Call Record and Proceedings.

**(SANJAY A. DESHMUKH, J.)**