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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 13001 OF 2025
IN
FIRST APPEAL NO. 1790 OF 2024

Chandrakiran Santosh Mishra alias Chandrakiran ...Applicant
Suresh Dubey

IN THE MATTER BETWEEN

ICICI Lombard General Insurance Co. Ltd & Ors ...Appellants
Versus
Chandrakiran Santosh Mishra alias Chandrakiran ...Respondent
Suresh Dubey

Mr Niranjan Karande, for the Applicant.
Ms Prachi Pawar, i/b Res Juris, for the Appellant.

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CORAM: R. M. JOSHI, J.

DATED: 14TH JANUARY 2026

PC:-

1. This Application is for withdrawal of amount of compensation deposited by the Insurer pursuant to the order passed by this Court dated 12th November 2024 passed in MACP No. 1394 of 2018.

2. Learned counsel fo the Applicants/original Claimants submits that having regard to the injury caused to the Claimant,

her livelihood is affected adversely. She, therefore, seeks withdrawal of entire amount deposited by the Insurer.

3. Counsel for the Insurer opposes the said submission by pointing out to the findings recorded by the Tribunal that even after occurrence of the accident and sustainment of injuries, the income of the Claimant is increased.

4. Having regard to the prima facie consideration of material on record and the findings recorded by the Tribunal, though it is not a fit case for permitting 100% amount deposited to be withdrawn, however, the Applicant would be entitled to receive at least 50% of amount.

5. In view of the same, following order.

ORDER

- a) The Application is allowed.
- b) The Appellant/Original Claimant is permitted to withdraw 50% amount along with accrued interest thereon on usual undertaking.
- c) Application stands disposed of accordingly.

(R. M. JOSHI, J.)