



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

FIRST APPEAL NO. 615 OF 2024

(ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.

VS.

BHARTI RAJENDRA DABHEKAR AND OTHERS)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. N.J.Patil, Advocate h/f Mr. R. D. Bhuihar, Advocate for appellant.
Mr. Sachin Sambre, Advocate for respondents No.1 to 3.

CORAM : ROHIT W. JOSHI, J.

DATED : APRIL 08, 2026

- 1) Issue notice to the respondent No.4, returnable on 04/05/2026.
- 2) The appellant is directed to serve the respondent No.4 by speed post in addition to regular mode of service and to file affidavit of service before the returnable date.
- 3) Civil Application No.557/2025 will be considered, if the attempt to serve respondent No.4 by speed post is not successful.

CIVIL APPLICATION (F) NO. 558 OF 2025

- 4) The legal representatives of deceased employee have filed the present application seeking permission to withdraw the amount of compensation deposited by the appellant with the learned Compensation Commissioner. The present appeal has been preferred by the Insurance Company. The principal contention of the appellant is that the deceased, while plying the tractor, was not holding a valid driving licence, which amounts

to a fundamental breach of the policy conditions. Prima facie this is not a fundamental breach.

- 5) In view of the aforesaid, in the considered opinion of this Court, it would be expedient to permit the applicants/original claimants to withdraw 50% of the amount of compensation deposited by the appellant with the Commissioner for Workmen's Compensation, along with accrued interest, if any. The Civil Application is disposed of accordingly.

(ROHIT W. JOSHI, J.)