



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

CIVIL APPLICATION (CAF) NO. 4255 OF 2025

IN

FIRST APPEAL (ST) NO. 16849 OF 2025

ICICI Lombard General Insurance Co. Ltd.

Vs.

Chotibi W/o. Jakir Hussain and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. D. Ambade, Advocate for applicant.

Ms S. H. Bhagat h/f. Shri P. R. Agrawal, Advocate for respondent nos. 1 to 3.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 06.05.2026

As per the office note, the service of notice is awaited for non-applicant nos. 6 and 7.

2. The learned counsel for the applicant seeks time to file appropriate application to serve non-applicant nos. 6 and 7 by substitute service.

3. Four weeks time is granted as prayed for.

CIVIL APPLICATION (CAF) NO. 2077/2026

4. Having regard to the submissions canvassed on behalf of the both the parties, I have gone through the application.

5. By the present application, respondent no. 1- Chotibai W/o. Jakir Hussain and respondent no. 2- Jakir Hussain W/o. Faiyyazoddin seek permission to withdraw

their shares of compensation deposited by the appellant with the Registry of this Court in pursuance of the judgment and award dated 09.01.2025 passed in MACP No. 188/2018 by the Chairman, Motor Accident Claims Tribunal, Akola.

6. The learned counsel for the appellate- insurance company strongly opposed the application.

7. However, considering the nature of the claim and to meet financial crises, it would be just and proper to permit respondent nos. 1 and 2 to withdraw 50% of their share of the compensation along with accrued interest on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

8. The share of remaining claimants shall be kept in the FDR.

9. The application is disposed of accordingly.

(Y. G. KHOBRAGADE, J.)