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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.874/2015

IN

FIRST APPEAL ST.NO.21674/2014

Shamimbee Ayub Khan & another.

...Applicants..

Versus

The New India Assurance Co.Ltd.

Through its Manager, Legal & another.

...Respondents...

.....

Shri H.I. Pathan, Advocate for applicants.

Shri P.P. Deshpande, Advocate for respondent no.1.

Shri S.M. Kshirsagar, Advocate h/f Shri Amit Mukhedkar,
Advocate for respondent no.2.

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CORAM: M.T. JOSHI, J.

DATE: 05.03.2015

ORDER :

1] Heard both the sides.

2] Considering the challenge in the appeal, present applicants i.e. original claimants are allowed to withdraw 50% of the amount deposited in the office of the learned Commissioner upon execution of an undertaking before the learned Commissioner that in case any order adverse to their interest is passed by this Court in

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future, they would refund the amount within a period of ten weeks from the date of such order. The application is accordingly disposed of.

(M.T. JOSHI, J.)