

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

954 CIVIL APPLICATION NO. 12340 OF 2016
IN FAST/6184/2011 WITH CA/4310/2011 IN
FAST/6184/2011 WITH CA/4311/2011 IN FAST/6184/2011

NAMABAI DASU RATHOD AND ORS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD AURANGABAD AND
ORS

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Advocate for Applicants : Mr. YB Bolkar, Adv. h/for
Mr. Jadhav Bhausaheb K
Mr. A. B. Kadethankar For R/1

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CORAM : P.R. BORA, J.
Dated: November 25, 2016

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PER COURT :-

1) Heard. Considering the averments raised in the application for withdrawal of amount and the objections raised by the Insurance Company in the memo of appeal in exception to the Award, I deem it appropriate to pass the following order, -

ORDER

- i) The applicants are permitted to withdraw 50% of the amount deposited by the insurance company in this court, on submitting an undertaking that, in the event any adverse order is passed against them in the appeal/s, they will re-deposit the amount within four months of passing such order;
- ii) Balance 50% amount be invested in a Fixed

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Deposit Receipts in any Nationalized Bank, till disposal of the appeal/s.

iii) The Civil Application/s for withdrawal of the amount is disposed of.

2) In view of the fact that the entire amount is deposited under the Award, the interim stay granted by this Court earlier is made absolute. CA for stay disposed of.

3) Re-issue notice to Respondent No.8 in CA for condonation of delay, returnable on 5th January, 2017.

(P.R. BORA, J.)

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