

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

923 CIVIL APPLICATION NO. 9624 OF 2016
IN FAST/10550/2015 WITH CA/5669/2015 IN
FAST/10553/2015 WITH CA/5670/2015 IN FAST/10553/2015
WITH CA/5671/2015 IN FAST/10556/2015 WITH
CA/5672/2015 IN FAST/10556/2015 WITH CA/9625/2016 IN
FAST/10553/2015 WITH CA/9626/2016 IN FAST/10556/2015

REHANA KAYYUM SHAIKH AND OTHERS
VERSUS
BRANCH MANAGER, NEW INDIA ASSURANCE CO. LTD. AND ORS

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Advocate for Applicants : Bide Dnyaneshwar A
Mr.A.G.Kanade, Adv. For R/2

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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

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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 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) Heard CA for condonation of delay. For the reasons stated in the application, which according to me are just and sufficient, delay of 52 days occurred in filing the present appeal is condoned. Appeal be registered in accordance with law. CA for condonation of delay disposed of.

. After registration of the appeal, issue notice to respondents. Learned Counsel waives service for respondents. Place the matter for admission after six weeks.

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

(P.R. BORA, J.)

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