

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

**CIVIL APPLICATION NO. 5539 OF 2016
IN
FIRST APPEAL NO. 1662 OF 2014**

Hema Udhav Chavan and Others ..APPLICANTS

VERSUS

The New India Assurance Co. Ltd. and Another ..RESPONDENTS

....
Mr. S.R. Zambare, Advocate h/f Mr. N.V. Gaware, Advocate for
applicants.
Mr. D.P. Deshpande, Advocate for Respondent No.1.
....

**CORAM : P.R. BORA, J.
DATED : 29th JULY, 2016**

ORDER :

. Heard learned Counsel for applicants i.e. original claimants.

2. The applicants are seeking permission to withdraw the amount deposited by the insurance company in compliance with the impugned award under the directions of this Court dated 06th May, 2014. The learned Counsel for the Respondent No.1 – Insurance Company has opposed for allowing withdrawal. The learned Counsel submits that there are objections raised in exception to the impugned award, disputing the

liability of the insurance company of paying compensation. The learned Counsel therefore prayed for expeditious disposal of the present appeal.

3. Considering the contentions raised in the application for withdrawal and having regard to the objections raised by the Respondent No.1 – Insurance Company in its memo of appeal in exception to the impugned award, I deem it fit and appropriate to pass following order :-

O R D E R

- I) Application is partly allowed.
- II) Applicants are at present permitted to withdraw 25% of the amount deposited in this Court by Insurance Company on an undertaking that in the event any adverse order is passed against them, they shall re-deposit the amount so withdrawn by them within four weeks from the date of passing of such order.
- III) Civil Application stands disposed of.

(P.R. BORA, J.)

SSD