

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA No.8894/2016

**29 CIVIL APPLICATION NO. 8894 OF 2016
IN FA/31/2007**

SK. RAJMOHAMMAD SK. YUSUF
VERSUS
NEW INDIA ASSURANCE COMPANY LTD. AND ORS

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Advocate for Applicant : Mr.Khedkar Amol P.

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CORAM : P.R. BORA, J.
Dated: July 22, 2016

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PER COURT :-

1. The applicants who are the original claimants in M.A.C.P.No. 273 of 2001, have preferred the present application seeking permission to withdraw the amount of compensation deposited by the appellant Insurance Company in this Court in First Appeal No.31/2007. The notice of the present application though has been served on the learned Counsel appearing for respondent no.1 Insurance Company, learned Counsel has not entered appearance in the matter. On 8th of July, 2016, this Court had taken note of the aforesaid fact and the matter was adjourned till today by way of last chance. Today also, none has appeared for the respondent Insurance Company. In view of the fact that the appeal filed by the respondent Insurance Company has been dismissed by this Court vide order passed on 22nd January, 2016, the award passed in M.A.C.P.No.273/2001, has attained the

AGP/-

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finality. Record shows that the Insurance Company had deposited the amount of the award along with the interest accrued thereon in this Court under the orders of this Court and the said amount is lying with this Court. In the aforesaid circumstances, I am inclined to allow the present application. Hence, the following order:

ORDER

1. The applicant is permitted to withdraw the amount deposited by the respondent Insurance Company in this Court in First Appeal No.31/2007.
2. Civil Application stands disposed of.

(P.R. BORA, J.)

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