IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.11658 of 2016

914 CIVIL APPLICATION NO. 11658 OF 2016
IN FAST/10835/2012

RUBAJI PASHA VASAVE AND ORS
VERSUS
THE ORIENTAL INSURANCE CO. LTD
...
Advocate for Applicants : Mr.Patil Shrikant S.
Advocate for Respondents: Mr. V. C. Patil,
h/f. Mr. S. M. Godsay,
...
CORAM : P.R. BORA, J.
Dated: August 24, 2016
...

PER COURT :-

1. Considering the contentions raised in the application for withdrawal of the amount and having regard to the grounds raised in exception to the impugned award, I deem it appropriate to pass the following order:

ORDER

1. From out of the 50 per cent of the deposited amount, applicant nos.2 and 3 are permitted to withdraw the amount which is falling to their share, in terms of the impugned award as follows:

(a) 25 per cent amount on furnishing an undertaking that in the event any adverse order is passed, applicant nos. 2 and 3 will re-deposit the said amount so

withdrawn by them within four months of passing of such order.

(b) 25 per cent of the amount is permitted to be withdrawn by applicant nos. 2 and 3 on furnishing surety in the like amount.

(c) Balance 50 per cent be deposited in FDR in any nationalized Bank initially for a period of three years and, if so required, for further period till disposal of the appeal.

2. The amount, which is falling to the share of applicant nos. 2 and 3, out of the 50 per cent of the deposited amount, which has been permitted to be withdrawn by them on the aforesaid conditions, be transmitted to the Motor Accident Claims Tribunal, Shahada.

3. The surety and undertaking to be submitted by the applicant nos. 2 and 3 with the Motor Accident Claims Tribunal at Shahada. The Tribunal shall, in turn, forward the said undertaking and the surety to the Registrar (Judicial) of this Court. Inform the Motor Accident Claims Tribunal at Shahada accordingly.

4. Civil Application stands disposed of.

(P.R. BORA, J.)

AGP/-