

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 CIVIL APPLICATION NO. 14558 OF 2016
IN FAST/11096/2016 WITH CA/4333/2016 IN FAST/11096/2016
WITH CA/4334/2016 IN FAST/11096/2016

MEERABAI SHANKAR AADHE AND ORS
VERSUS
UNITED INDIA INSURANCE CO. LTD. THR ITS DEPUTY MANAGER
AND ORS

...
Advocate for Applicants : Badve J.C.
Advocate for Respondents : S.S.rathi for R.1

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CORAM : P.R. BORA, J.
DATE : 16-11-2016.

P.C. :

1. Heard the learned counsel for the applicants i.e. original claimants and the learned counsel for the appellant-insurance company. Considering the submissions so made and having regard to the grounds of objection raised in exception to the impugned judgment the following order is passed.

ORDER

- i) The applicants are permitted to withdraw 50% of the deposited amount on submitting an undertaking that in the event any adverse order is passed they will re-deposit the amount so withdrawn by them within two months of passing such order.
- ii) Balance 50% be amount invested in any

nationalized bank in F.D.R. initially for a period of two years and if required, for a further period till the disposal of the appeal.

iii) The registry is directed to transmit the amount allowed to be withdrawn as aforesaid to the account of Motor Accident Claims Tribunal at Jalna so as to facilitate the withdrawal of the said amount by the claimants. Civil application stands disposed of.

2. Delay of 236 days has occurred in filing the present appeal by the insurance company. The learned counsel for the respondents i.e. original claimants has fairly conceded for condoning the delay. Even otherwise the delay appears to have been sufficiently explained. Hence the following order.

ORDER

- i) Application is allowed.
- ii) The delay caused in filing the appeal is condoned.
Appeal be registered in accordance with law.
- iii) Civil application stands disposed of.

3. In view of the fact that the appellant-insurance company has deposited the entire amount under the impugned award, interim stay granted by this court to the execution of the impugned award is made absolute. Civil application stands

disposed of.

4. On registration of appeal, issue notice to the respondents, returnable on 03.01.2017. Learned counsel Mr. Badve J.C., waives for respondent nos. 1 to 4.

(P.R. BORA)
JUDGE

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