

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

30 CIVIL APPLICATION NO.14933 OF 2016
IN FAST/22824/2016 WITH CA/10790/2016 IN
FAST/22824/2016 WITH CA/10791/2016 IN
FAST/22824/2016

SUNDARBAI HANUMANT @ LIMBRAJ BARAKATE AND ORS
VERSUS
MUNSHI SHAHABUDDIN PATHAN AND ANR

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Adv.for Applicants : Mr. Rajebhosale Sandeep B.
Mr. MU Kakade, Adv.h/for Mrs. MD Thube-Mhase,
Adv. i/b Lex Quila For R/1;
Mr. Namit Loya, Adv. h/for Mr. R. F. Totla For
R/2.

CORAM : P.R.BORA, J.

DATE : 22nd November, 2016.

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 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 on CA for condonation of delay. Delay of 106 days has occurred in filing the present appeal. For the reasons stated in the appliclation, which according to me are just and sufficient, the delay is condoned. The Appeal be registered in accordance with law. CA for condonation of delay is disposed of.

3) After registration of the appeal, issue notice to respondents returnable after six weeks.

Learned Counsel for the respective respondents waive service. Service complete. Place the matter for admission after six weeks.

4) In view of the fact that the insurance company has deposited the amount under the Award, the interim stay granted by this Court vide order dated 1st August, 2016 is made absolute. CA for stay is disposed of.

(P.R.BORA)
JUDGE

bdv/