

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO. 13439 OF 2016
IN FAST/34633/2015 WITH CA/16255/2015 IN FAST/34633/2015
WITH CA/16256/2015 IN FAST/34633/2015

SHARDA SUBHASH BAGUL AND ANR
VERSUS
THE NEW INDIA ASSURANCE CO. LTD. AND ORS

...
Advocate for Applicants : Bedre Vinayak Sudhakar
Advocate for Respondents : Mr. Amol Gandhi For R/2 M.M. Ambhore
For R/1
...

CORAM : P.R. BORA, J.
DATE : 06-10-2016.

Per Court :

1. Delay of 141 days has occurred in filing the present appeal by the appellant insurance-company. For the reasons stated in the application, which according to me are just and sufficient, the Delay is condoned. Appeal be registered in accordance with law. Civil application for condonation of delay stands disposed of.

2. In view of the fact that, the appellant has deposited the entire the amount under the award as was directed by this court the interim stay granted earlier is made absolute. Civil application for stay is disposed of.

3. Considering the averments made in the application for withdrawal of the deposited amount and having regard to the

objection raised by the appellant-insurance company in exception to the impugned award, I deem it appropriate to pass the following order:

ORDER

- i) The applicants are at present permitted to withdraw a sum of Rs. 25 Lakhs from 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amount on submitting an undertaking that in the event any adverse order is passed they will re-deposit the amount so withdrawn by them within four months of passing such order.
- ii) Balance amount shall be invested in F.D.R. in any Nationalised Bank initially for a period of two years, if so required for a further period till disposal of the appeal. Civil application stands disposed of.

(P.R. BORA)
JUDGE