

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

27 CIVIL APPLICATION NO. 16122 OF 2016
IN FAST/21876/2016 WITH CA/10800/2016 IN
FAST/21876/2016 WITH CA/10801/2016 IN
FAST/21876/2016

SUNITA HEMANT BAHIRAT AND ORS
VERSUS
BALKRUSHNA MUKTAJI VIRKAR AND ANR

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Advocate for Applicants : Mr. Tambe Rahul A.
Mr. S.R. Bodade Adv For R/2

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CORAM : P.R. BORA, J.
Dated: December 20, 2016

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PER COURT :-

- 1) Heard. The applicants are permitted to withdraw 50% of the amount deposited by the insurance company in this court, on submitting an undertaking that, if 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.
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- 2) As requested by the learned Counsel for the

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applicants, Registry is directed to transmit the amount permitted to be withdrawn, to Motor Accident Claims Tribunal, at Shrirampur, so as to facilitate withdrawal of the said amount by the claimants. The undertaking shall be submitted before the Motor Accident Claims Tribunal at Shrirampur.

3) Heard CA for condonation of delay. For the reasons stated in the application, which according to me are just and sufficient, delay of 46 days occurred in filing the present appeal is condoned. Appeal be registered in accordance with law. CA for condonation of delay disposed of.

. After registration of the appeal, issue notice to respondents, returnable after six weeks. Learned Counsel waives service for Respondent Nos. 1 to 4/ original claimants.

4) In view of the fact that the insurance company has deposited the entire amount under the impugned Award, the interim stay granted by this Court on 2nd August, 2016 is made absolute. CA for stay stands disposed of.

(P.R. BORA, J.)

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