

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

18 CIVIL APPLICATION NO.5459/2012
& 5460/2012 IN FAST/13021/2012
WITH CA/3800/2016 IN FAST/13021/2012

M/S NATIONAL INSURANCE CO. LTD. AND ANR.
VERSUS

SHAIKH MUSA SHAIKH HAIDAR AND ANR

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Advocate for Applicants : Mr. V N Upadhye, Adv.
Mr.A.N. Nagargoje Advocate h/for Mr. Bedre Vinayak
Sudhakar for Respondent Nos. 1 & 2

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CORAM : P.R. BORA, J.
Dated: August 29, 2016

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PER COURT :-

1) Heard. For the reasons stated in the application, which according to me are just and sufficient, the delay of 27 days caused in filing the appeal by the Insurance Company is condoned. The appeal be registered in accordance with law. CA stands disposed of.

2) Issue notice to respondents, returnable after six weeks. Learned counsel waive service for the original claimants. Place the appeal for admission after two weeks.

3) CA No.3800/2016 is moved for withdrawal of

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the amount. Considering the averments in the application for withdrawal of the deposited amount and having regard to the objections raised by the insurance company in exception to the impugned Award, the applicants/original claimants are permitted to withdraw 50% of the deposited amount. Balance 50% amount along with the interest thereon be invested in a Nationalized Bank in Fixed Deposit Receipt, initially for a period of two years and to be renewed if so required till disposal of the appeal. CA for withdrawal of the amount is disposed of.

4) In view of the fact that the entire amount has been deposited, the CA for stay is disposed of.

(P.R. BORA, J.)

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