

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

10 CIVIL APPLICATION NO. 1033 OF 2016
IN FAST/1629/2016 WITH CA/3325/2017 IN
FAST/1629/2016

THE UNITED INDIA INSURANCE COMPANY LTD. THR ITS
BRANCH MANAGER, PARBHANI AND ANR
VERSUS
SEEMA SADASHIV @ BALU GIRI AND OTHERS

...

Advocate for Applicants : Mr. VR Mundada,
Mr. PS Agrawal, Adv. For Resp.Nos. 1 & 2;
Mr. SS Thmbre, Adv. For Resp.Nos. 3 and 4..

CORAM : P.R.BORA, J.

DATE : 14th June, 2017.

PER COURT :

1) Heard. Shri Agrawal, learned Counsel appears for Respondent Nos. 1 and 2. Shri SS Thombre, learned Counsel appears for Respondent Nos. 3 and 4.

2) Delay of 82 days has caused in filing the present appeal. The reasons for delay are sufficiently explained. The delay is, therefore, condoned. The appeal be registered in accordance with law. CA for condonation of delay stand

disposed of.

3) On registration of the appeal, issue notice to the respondent/s returnable on 5th July, 2017. Learned Counsel appearing for the respective respondents waive service.

4) Place the matter for admission on 5th July, 2017.

5) Heard on CA for withdrawal of the amount. Learned Counsel appearing for the applicants, seeks leave to delete names of applicant Nos. 1 and 2. Leave granted. Deletion be effected forthwith.

6) Perused the impugned judgment. After having considered the averments in the application and the impugned judgment, I deem it appropriate to pass the following order, -

ORDER

- i) The application is partly allowed;
- ii) Applicant No.3 - viz. Sumanbai w/o Vithal Giri, is presently permitted to withdraw a sum of Rs.2,00,000/- (Rupees two lacs) from the deposited amount in the Lower Court.
- iii) The balance amount, if any, be deposited in Fixed Deposit Receipt of any Nationalised Bank, initially for a period of two years and if so required for further period till disposal of the appeal.
- iv) CA for withdrawal of the amount stands disposed of.

(P.R.BORA,J.)

bdv/