

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 16251 OF 2016
IN FAST/19538/2016 WITH CA/10517/2016 IN FAST/19538/2016 WITH
CA/10518/2016 IN FAST/19538/2016

ASHWINI SATISH KADAM AND ORS
VERSUS
BHARTI AXA GENERAL INSURANCE CO. LTD. THR ITS MANAGERAND
ORS

...
Advocate for Applicants : Mr. Chondhekar Balaji S.
Advocate for Respondent No.1 : Mr. R.H. Dahat with Mr. S.S. Patil
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CORAM : V. K. JADHAV, J.
DATED : 3rd FEBRUARY, 2017

PER COURT:-

1. In civil application seeking withdrawal of the amount, leave to delete the name of applicant No.4, at the risk of the applicants.
2. Learned counsel for the respondent insurer submits that the applicants may be permitted to withdraw the amount to the extent of 50% deposited before this Court. Learned counsel for the applicants submits that the applicants may be permitted to withdraw entire amount. However, keeping in mind the challenge raised to the judgment and award passed by the Tribunal, the applicants are permitted to withdraw 50% alongwith interest accrued thereon. Civil application for withdrawal of the amount is disposed of.

3. In civil application for condonation of delay heard both sides. Learned counsel for the applicant submits that due to some administrative difficulties, the appeal could not be preferred within time. Learned counsel appearing for the respondents strongly resisted the application. However, in view of above and for the reasons stated in civil application, delay caused in preferring first appeal is hereby condoned. Civil application is allowed and disposed of accordingly.

4. In first appeal, issue notice to the respondents, returnable on 17.03.2017. Learned counsel waives notice for respondents No.1 to 5. Call for record and proceedings.

5. Since entire amount under award is deposited, there shall be stay to the impugned judgment and award till disposal of the appeal. Civil application for stay is disposed of.

(V. K. JADHAV, J.)

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