

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.713/2017

**931 CIVIL APPLICATION NO. 713 OF 2017
IN
FAST/20511/2016
WITH
CA/9619/2016 IN FAST/20511/2016**

KAVERI VITTHAL @ BABA JAGADE AND ORS
VERSUS
VILAS MANIKRAO BHOSALE AND OTHERS

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Advocate for Applicants : Mr.Hrishikesh V. Tungar
Mr. Atul B. Hawale, Adv., for respondent nos. 1 and 2.
Mr. S. G. Chapalgoankar, Adv., for respondent no.3.

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CORAM : P.R. BORA, J.
Dated: June 16, 2017
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PER COURT :-

1. Heard Shri Tungar, learned Counsel appearing for the applicant and Shri Chapalgaonkar, learned Counsel appearing for appellant Insurance Company on the application for withdrawal of amount.

2. The appellant Insurance Company has disputed involvement of the insured vehicle in the alleged accident.

3. Having regard to the grounds of objections raised in exception to the impugned Award and considering the averments in the application for withdrawal of the amount, the applicants are permitted to withdraw 50% of the deposited amount on submitting solvent surety of the like amount in that regard to the satisfaction

agp/-

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(2)

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of the Registrar (Judicial) of this Court. Balance 50% amount be invested in Fixed Deposit Receipt in any Nationalized Bank, initially for a period of two years and if so required for further period till disposal of the appeal. Civil Application for withdrawal of amount stands disposed of.

4. Heard learned Counsel on the Civil application for condonation of delay. Delay of 116 days is caused in filing the present appeal by the Insurance Company. For the reasons stated in the applications which, according to me, are just and sufficient, the delay caused in filing the appeal is condoned. Civil Application for condonation of delay stands disposed of. The Appeal be registered in accordance with law.

5. After registration of the appeal, issue notice to the respondents in the appeal. Learned Counsel appearing for respective respondents waive service. Service complete.

Place the matter for admission on 19th of July, 2017.

(P.R. BORA, J.)

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