

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

CIVIL APPLICATION NO. 10661 OF 2017 IN FA/2567/2010

VENKAT GURAPPA JANWADE
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS DEPUTY MANAGER,
AURANGABAD AND ANOTHER

...
Advocate for Applicant : Mr. H. P. Jadhav.
Advocate for Respondent-Insurance Co. : Mr. A. B. Gatne (in FA).
...

CORAM : K.K. SONAWANE, J.

DATED : 21ST NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant and Mr. Gatne for respondent – Insurance Company. When the matter is called out, none appears for respondent No.2.

2. Mr. Gatne, learned counsel for respondent- Insurance Company raised objection and submits that the matter is pending since year 2010. The Insurance Company deposited the amount in the year 2011 and since then the amount is lying in the Court without any attempt on the part of applicants for withdrawal of the same. He prayed to list the matter for final hearing on merit instead of allowing the applicants to withdraw the amount at this juncture.

3. Taking into consideration the attending circumstances and the arguments advanced on behalf of learned counsel for Insurance company, I find it justifiable that instead of allowing the applicants for withdrawal of the amount at such belated stage, applicants be directed to proceed further for final hearing on merit. It would sub-serve the purpose for substantial justice. Therefore, civil application stands disposed of and list the First Appeal for final hearing on merit in the week commencing from 8th January, 2018.

**[K. K. SONAWANE]
JUDGE**