

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 3880 OF 2017
IN FA/4243/2016 WITH FA/3932/2016 WITH
CA/15585/2016 IN FA/4243/2016

KAMALBAI DAMU PATIL AND ORS
VERSUS
THE UNITED INDIA INSURANCE CO. LTD. AND ORS

...
Advocate for Applicants : Mr. Bhokarikar Madhav M
Mr. SS Rathi For R/1 (undertaking Given).

CORAM : P.R.BORA, J.

DATE : 8th June, 2017.

PER COURT :

1) Heard Shri Bhokarikar, learned counsel for applicants original claimants and Shri Rathi, learned counsel for appellant/insurance company.

2) 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, I deem it appropriate to pass the following order, -

ORDER

i) The application is partly allowed;

- ii) The applicants are permitted to withdraw 50% of the deposited amount on submitting an undertaking that in the event any adverse order is passed, they will re-deposit the amount so withdrawn by them within a period of four months from passing such order;
- iii) Balance 50% amount be invested in Fixed Deposit Receipt in any Nationalised Bank initially for a period of two years and if required for the period till disposal of the appeal;
- iv) Civil Application stands disposed of;
- v) Call R and P;
- vi) In view of the fact that the appellant insurance company has deposited the entire amount under the Award, the interim stay granted by this court on 30th November, 2016 is made absolute. CA for stay is disposed of.

(P.R.BORA,J.)

bdv/