

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

**37 CIVIL APPLICATION NO. 5539 OF 2017
IN FA/4396/2016 WITH CA/5569/2017 IN FA/3041/2016**

DR. SHABBIR HUSSAIN HAMJABHAI SADIQUE (DECEASED)
THR REP. S.S.HUSSAIN SADIQUE TH
VERSUS
MALKITSING HIMMATSING GHOTRA AND ORS

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Advocate for Applicant : Mr. Rane S Girish
Advocate for Respondent No.2 : Mr. S. P.
Chapalgaonkar
Advocate for Respondent No.4 : Mr. S. G.
Chapalgaonkar

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CORAM : P.R. BORA, J.

DATED : 18th SEPTEMBER, 2018.

PER COURT:-

. Heard the learned counsel appearing for the applicants and the learned counsel appearing for the respondent-Insurance Company.

2. For the reasons given in the applications for withdrawal of the amount and having considered the grounds of objections raised by the Insurance Company in exception to the impugned judgment and award, I deem it appropriate to pass the following order:

ORDER

i) The applicants are permitted to withdraw

(2)

50% of the deposited amount with interest accrued thereon, on submitting an undertaking to the satisfaction of the Registrar Judicial of this Court.

ii) Balance 50% of the amount with interest accrued thereon be invested in Fixed Deposit Receipt in any nationalized bank, initially for a period of one year and if so required, for a further period till disposal of the appeal.

iii) Both civil applications stand disposed of.

3. Print dispensed with. Office objections stand waived. List the appeals for final disposal on 23.10.2018.

(P.R. BORA, J.)

Mujaheed//