

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

CIVIL APPLICATION NO. 12139 OF 2016
IN FA/3612/2016

RAHUL VITTHALRAO PATHADE
VERSUS
M/S. TEJAS ENGINEERING WORKS, AURANGABAD THR ITS PROP.
VANDANA VAMANRAO DAMDHAR AND ANOTHER

...
Advocate for Applicant : Mr. S. R. Bodade.
Advocate for Respondent No.1 : Mr. S. P. Katneshwarkar.
Advocate for Respondent No.2 : Mr. S. G. Chapalgaonkar.
...

CORAM : K.K. SONAWANE, J.

DATED : 26th JUNE, 2018.

Order :-

1. Heard learned counsel for applicant-original claimant and learned counsel for respondent - Insurance Company.
2. Learned counsel for applicant insisted for withdrawal of 50 % of the amount of penalty deposited in this Court. It has brought to the notice that in view of Order dated 3rd March, 2017, the present application for withdrawal of penalty amount is required to be heard alongwith main appeal. In such circumstances, there is no propriety to consider once again the contentions put forth on behalf of applicant-claimant. Hence, application for withdrawal deserves to be disposed of in the light of earlier order dated 3rd March, 2017 passed by this Court. Therefore, application stands disposed accordingly.
3. List the appeal for final hearing on merit in due course.

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

rrd.