

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9903 OF 2017 IN
FIRST APPEAL NO. 82 OF 2017

Sitabai Ramkisan Baglane
& another

Applicants

Versus

Roshan Deepak Jawale
& others

Respondents

Mr. S.S. Rathi, advocate holding for Mr. G.S. Rane, advocate for applicants.

Mr. Mohit Deshmukh, advocate holding for Mr. S.G. Chapalgaonkar, advocate for respondent no. 3.

CORAM : M.S. SONAK, J.

DATE : 10th JANUARY, 2018

PER COURT:

1. Mr. Mohit Deshmukh, learned counsel for appellant in the appeal submits that since the issue of very involvement of the vehicle is involved in this appeal, the applicants may not be permitted to withdraw any amount.
2. As on date, the impugned award has held that the vehicle in question was involved in the accident, the matter may be decided at the stage of final hearing. However, there is no reason to deprive the applicants of atleast 50% compensation and that too, subject to undertaking.
3. Applicants are permitted to withdraw 50% of the deposited

amount in the same proportion as directed in the impugned award. This shall be subject to applicants filing an undertaking in this Court that such withdrawal will be abide by final order that shall be made in the appeal.

4. Affidavit containing such undertaking may be sworn at Beed.
5. Civil application stands disposed of.

(M.S. SONAK, J.)

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