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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 838 OF 2017
WITH
CIVIL APPLICATION No. 2499 OF 2017
WITH
CIVIL APPLICATION No. 1325 OF 2018

Iffco Tokio General Insurance Co. Ltd. ... Appellant
Vs.
Akash Balu Aher & Anr. ... Respondents

Ms. Varsha Chavan, for the Appellant, for Applicant in CAF. 2499/2017, and for Respondent in CAF. 1325/2018.

Ms. Sangeeta S. Salvi, for the Respondent No. 1 in the appeal & CAF. 2499/2017 and for Applicant in CAF. 1325/2018.

CORAM : V. M. DESHPANDE, J.

DATE : JUNE 20, 2018

PC :-

First Appeal No.838 of 2017

1. **Admit.** Learned counsel waives service for the Respondent No.1. Call for Record and Proceedings.

Civil Application No. 1325/2018

2. This is application for withdrawal of the amount deposited by Insurance Company. Heard learned counsel for the parties. Learned counsel for the applicant wish to withdraw the

application with liberty to file a detailed application for the same purpose. Application is allowed with liberty to the applicant to file fresh application for withdrawal of the amount. It is made clear that this Court has not heard this application on merits. Application is disposed of with no costs.

Civil Application No.2499 of 2017

4. This application is for stay. Heard learned counsel for the appellant and claimant. Today appeal is admitted by this Court after hearing the parties and also application for withdrawal of the amount filed by claimant which is allowed to be withdrawn with liberty to move again. The appellants have already deposited entire amount. In that view of the matter there shall be stay to the execution and operation of the award dated 31/8/2016 passed by the learned Member, MACT, Thane in MACT Application No.137/2014, till the application for withdrawal filed by the claimant is decided.

Sd/-
[V. M. DESHPANDE, J.]