

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CAF NO.348/2018 IN FIRST APPEAL ST. NO.25895/2017

[Reliance General Insurance Company Limited .vs. Smt. Lata wd/o Vikas Waghmare and others]

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Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders
.....

Court's or Judge's orders

.....
Shri H.N. Verma, Advocate for appellant,
Shri A.V. Bhide, Advocate for respondent nos.1 to 5.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 16, 2018.

Heard.

For the reasons mentioned in the application, application is
allowed and the delay of 54 days in filing of appeal is hereby condoned.

Civil Application [O] No.1132/2018

This is an application for withdrawal of the amount deposited by
the appellant as per order dated 30.01.2018.

Heard Shri Bhide, the learned counsel for respondent nos.1 to 5-
claimants and Shri Verma, the learned counsel for the appellant.

Learned counsel for the appellant opposed the said application,
however, I am inclined to allow the application on certain conditions.

Having considered the grounds of appeal and the impugned
judgment passed by the tribunal, I am of the view that the amount
deposited in this court can be allowed to be withdrawn conditionally to
the extent of 75% of the amount deposited in this court.

The permission is granted to respondent nos.1 to 5 to withdraw
the amount deposited in this court subject to the condition that the said
amount be withdrawn by the respondents on furnishing an usual
undertaking to the effect that in the event of adverse order if passed
against them, they shall refund the amount within four weeks from the

date of the order and the remaining 25% of the amount be deposited in nationalized bank.

The civil application stands allowed and disposed of with no order as to costs.

First Appeal St. No.25895/2017

Heard.

Issue notice of final disposal to the respondents made returnable after four weeks.

Shri Bhide, learned counsel waives notice on behalf of respondent nos.1 to 5.

Call R & P.

JUDGE

Gulande