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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO.4133 OF 2019
IN FAST/8922/2017

RAOSAHEB NAGORAO SHIMPLE
VERSUS

BHARTI AXA GENERAL INSURANCE CO. LTD. THROUGH ITS MANAGER
AND OTHERS

...

Advocate for Applicant : Shri Kadam Gajanan G.

Advocate for Respondent no.1 : Shri S.S. Patil h/f Shri
R.H. Dahat

CORAM: V.L. ACHLIYA, J.

DATE: 27.03.2019

PER COURT :

1] The applicant has moved this application for withdrawal of the amount deposited by the insurance company in terms of order dated 16.6.2017 passed by this Court.

2] Heard learned counsel for the applicant and the learned counsel representing the appellant – insurance company.

3] Considering the submissions advanced in the light of the challenges raised in the appeal preferred by the insurance company, following order is passed:-

O R D E R

A] Subject to outcome of the appeal, the

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applicant is permitted to withdraw the amount to the extent of 50% of the amount deposited by the appellant – insurance company on furnishing undertaking to the satisfaction of the Registrar (Judicial) with condition that in the event the appeal is allowed or award is modified and the applicant is required to repay the amount, the applicant shall deposit the amount withdrawn within a period of eight weeks from the date of the order.

B] The balance amount be invested in a fixed deposit with any Nationalized bank initially for a period of 28 months with standing instructions to renew the same till disposal of the appeal.

C] The application is disposed of in above terms.

(V.L. ACHLIYA, J.)