

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

41 CIVIL APPLICATION NO.1605 OF 2019
IN FA/266/2019

TARABAI SANTOSH KALE AND ORS
VERSUS
KAD GANPAT MAHIPAT AND ORS

...

Advocate for Applicants : Mr. Khedkar Amol P.;
Mr. A. G. Choudhari For R/3.

CORAM : P.R. BORA, J.

DATED : 28th January, 2019.

PER COURT:-

1. Heard Shri Khedkar learned counsel for the acquiring body and Shri AG Choudhari, learned counsel appearing for the respondent insurance company. Perused the impugned judgment and award and the grounds of objections raised in exception to the impugned judgment and award.

2. In view of the above, following order is passed,

ORDER

i) The applicant/s are permitted to withdraw 60% of the deposited amount, on submitting an undertaking to the satisfaction of the Registrar of this Court.

ii) Balance 40% amount be invested

(2)

in Fixed Deposit Receipt in any nationalized Bank, initially for the period till disposal of the appeal.

iii) The Civil Application for withdrawal of the amount stands disposed of.

3. Since the judgment and award passed by the tribunal is challenged restricted to the quantum of compensation, service on owner of the vehicle is dispensed with. The claimants have already caused their appearance.

4. List the matter for final disposal at admission stage after six weeks.

5. Call R and P.

(P.R. BORA)
JUDGE

bdv