

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

970 CIVIL APPLICATION NO.10556 OF 2023
IN FA/4/2023 WITH CA/83/2023 IN FA/4/2023

RAJLAXMI BARSU SAPKALE AND ORS
VERSUS
THE NEW INDIA INSURANCE CORRECTED ASSURANCE CO LTD AND ORS

...
Advocate for Applicants : Mrs. Kirti Deshpande h/f. Mr. M.M. Bhokarikar
Advocate for Respondent 1 : Mr. M.R. Deshmukh
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 12/10/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. The present appeal is filed by the Insurance Company on the ground that the vehicle did not have valid permit and that there was contributory negligence.
3. The application for withdrawal of amount is filed by the original claimants.
4. Without going into the merits of the matter, the applicants are permitted to withdraw 50% of the amount alongwith the proportionate interest accrued therein till date as directed by the Tribunal on usual undertaking to the satisfaction of the Registrar Judicial of this Court. Civil Application for withdrawal of amount is disposed of.
5. Since the appellant Insurance Company has deposited the amount of compensation as directed by this Court, the ad-interim stay granted earlier is confirmed. The stay application is disposed of.
6. Appeal is **admitted**.
7. On admission, Mrs. Kirti Deshpande, learned counsel waives service of notice for original claimants.
8. Call R. & P.

[ARUN R. PEDNEKER J.]

ssc/