



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**934 CIVIL APPLICATION NO.14504 OF 2023
IN FAST/7363/2023 WITH CA/3743/2023 IN FAST/7363/2023
WITH CA/3744/2023 IN FAST/7363/2023**

SHIVANI D/O SURYABHAN GORE AND ANR
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS BRANCH
MANAGER AND ANR

...

**AND
936 CIVIL APPLICATION NO.14525 OF 2023
IN FAST/7320/2023 WITH CA/3741/2023 IN FAST/7320/2023
WITH CA/3742/2023 IN FAST/7320/2023**

SHIVANI D/O SURYABHAN GORE AND ORS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS BRANCH
MANAGER AND ANR

...

Advocate for Applicants : Mr.C.V.Bodkhe h/f R.V. Gore
Advocate for Respondent No.1 : Mr. A. B. Kadethankar

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**CORAM : ARUN R. PEDNEKER, J.
DATE : 08/12/2023**

PER COURT :

1. Heard the learned Advocate appearing on behalf of respective parties.
2. The present appeal is filed by the Insurance Company against the order of the Tribunal on the ground of breach of conditions.
3. The Civil Applications filed for condonation of delay of 35 days

caused in filing the appeals. For the reasons stated in the applications, the applications for delay condonation are allowed and disposed of accordingly.

4. In applications for withdrawal of amount, without going into the merits of the matters, I deem it appropriate to allow the applicants to withdraw 50% of the compensation amount deposited in this Court along with accrued interest thereon till date to the extent of their shares as directed by the Tribunal, subject to filing of undertaking to the satisfaction of the Registrar Judicial of this Court.

5. The learned Advocate for the applicant No.4 in CA/14525/2023 submits that the applicant No.4 has expired and the applicants No.1 to 3 are the legal heirs of deceased applicant No.4. In view of the same, the 50% share of the applicant No.4 is also permitted to be withdrawn by applicants No.1 to 3 equally. The applications for withdrawal of amount stand disposed of.

6. In civil applications filed for Stay, the learned Advocate for the applicant submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the Stay order passed by this Court dated 23/03/2023, in the applications for stay, is confirmed. The applications filed for Stay stand disposed of.

7. The appeals are **admitted**.
8. After admission of the appeals, the learned Advocate Mr. R. V. Gore waives service of notice on behalf of respondents No.1 and 2.

(ARUN R. PEDNEKER, J.)

vj gawade/-.