

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4095 OF 2023
IN
FIRST APPEAL NO. 1380 OF 2004

Janabai Dattu Palve & Ors. ...Applicants

Versus

United India Insurance Co. Ltd. & Anr. ...Respondents

....

Mr. B. N. Palve – Advocate for the applicants

Mr. A. B. Gatne – Advocate for respondent no. 1

Mr. R. K. Khandelwal – Advocate for respondent no. 2 (Absent)

....

AND

CIVIL APPLICATION NO. 4096 OF 2023
IN
FIRST APPEAL NO. 1382 OF 2004

Tanabai Trimbak Palve ...Applicant

Versus

United India Insurance Co. Ltd. & Anr. ...Respondents

....

Mr. B. N. Palve – Advocate for the applicants

Mr. A. B. Gatne – Advocate for respondent no. 1

Mr. R. K. Khandelwal – Advocate for respondent no. 2 (Absent)

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 21st JUNE, 2023

PER COURT :

1. Heard learned advocates for the respective parties.
2. It is submitted on behalf of the applicants that this Court has finally disposed of the appeal filed by the Insurance

Company vide its Judgment and Order dated 15th February, 2023 and as such, they are entitled for withdrawal of the amount deposited by the Insurance Company.

3. Mr. A. B. Gatne, learned advocate appearing for the Insurance Company submits that, he will have to take instruction as to whether Insurance Company has filed any appeal / SLP before the Hon'ble Supreme Court. He seeks two weeks time for that purpose.

4. Apparently, the limitation for filing SLP is over. The period of more than 3 months is elapsed after pronouncing the judgment by this Court. Therefore, there is no impediment in permitting the applicants to withdraw the amount. Hence, the following order.

ORDER

[i] The applications are allowed.

[ii] The applicants are permitted to withdraw the amount deposited by the Insurance Company with accrued interest.

5. Keeping in mind the submissions advanced on behalf of the respondent/Insurance Company, the operation of this order will commence after two weeks i.e. 5th July, 2023.

[S. G. CHAPALGAONKAR]
JUDGE

SG Punde