

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

970 CIVIL APPLICATION NO.12284 OF 2023
IN FAST/15478/2023
WITH CA/6798/2023 IN FAST/15478/2023
WITH CA/6799/2023 IN FAST/15478/2023

SANJAY ALIAS LALU YASHWANT UMAP THROUGH NEST
FRIEND SHOBHA SANJAY UMAP
VERSUS
SHAIKH YOUNUS SHAIKH ABDULLA & ANOTHER

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Advocate for Applicant : Mr.S.M.Sangale
Advocate for Respondent no.2 : Mr.A.G.Choudhari

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CORAM : ARUN R. PEDNEKER, J.

DATE : 27.10.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL OF AMOUNT

1] The present Civil Application is filed to permit
the applicants to withdraw the amount deposited by the
appellants in this Court.

2] Heard the learned counsel for the parties.

3] The appeal is filed by the Insurance Company
on the ground of quantum and contributory negligence so
also on the ground of involvement of the insured vehicle.
However, the findings of the Tribunal are that the vehicle is
involved in the accident.

4] Without going into the merits of the quantum, negligence and detail assessment of the evidence so also involvement of the insured vehicle, I deem it appropriate to permit the applicants to withdraw 60% of the entire amount of compensation deposited in this Court along with accrued interest thereon. Civil Application is disposed of accordingly.

B] ORDER IN CIVIL APPLICATION FOR DELAY

1] The present Civil Application is filed to condone the delay of 49 days in filing First Appeal.

2] For the reasons stated in the Civil Application, the same is allowed. Delay of 49 days is condoned. Appeal be registered. Civil Application is disposed of.

C] ORDER IN CIVIL APPLICATION FOR STAY

Since the appellant – Insurance Company has deposited entire award amount, the ad-interim stay granted earlier stands confirmed. Civil Application is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE