

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

960 CIVIL APPLICATION NO.13686 OF 2023
IN FA/2913/2023
WITH CA/9402/2023 IN FA/2913/2023

LAXMIBAI BABASAHEB BANGAR & OTHERS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD.

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Advocate for Applicants : Mr.Mayure Pramod C.
Advocate for Respondent no.1 : Mr.A.V.Rotte

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CORAM : ARUN R. PEDNEKER, J.

DATE : 07.11.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL

1] Heard the learned counsel for the parties.

2] First Appeal is filed by the Insurance Company on the ground of non-involvement of the vehicle, so also, quantum is disputed to be on the higher side. However, incident was reported on the same date and vehicle is seized from the distance and not from the spot. The charge sheet is filed.

3] In view of the same, the applicants are

permitted to withdraw 50% of the amount deposited in this Court, to the extent of their share, along with accrued interest thereon subject to furnishing undertaking to the satisfaction of the Registrar [Judicial] of this Court. Civil Application is disposed of.

B] ORDER IN CIVIL APPLICATION FOR STAY

Since the appellant – Insurance Company has deposited the amount as directed by this Court, the interim stay granted by this Court stands confirmed. Civil Application is disposed of accordingly.

C] ORDER IN FIRST APPEAL

1] First Appeal is admitted. On admission, Mr.P.C.Mayure, learned counsel waives notice for respondent nos.1 to 3.

2] On admission, issue fresh notice to the unserved respondents, so also, the appellant is permitted to serve unserved respondent by other private mode.

3] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE