

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

962 CIVIL APPLICATION NO.13695 OF 2023
IN FAST/23944/2023
WITH CA/9838/2023 IN FAST/23944/2023
WITH CA/9839/2023 IN FAST/23944/2023

SHILA PUNJAB GHARAT & OTHERS
VERSUS
CHOLAMANDALAM MS GENERAL INSURANCE COMPANY
LIMITED THROUGH ITS MANGER AND ORS

...
Advocate for Applicants : Mr.S.S.Dargad
Advocate for Respondent no.1 : Mr.A.G.Choudhari
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 07.11.2023

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL

1] First Appeal is filed by the Insurance Company
on the ground of non involvement of the vehicle in the
accident.

2] Having heard the learned counsel for the
parties. The applicants are permitted to withdraw 50% of
the amount deposited in this Court by the Insurance
Company along with accrued interest thereon, to the extent

of their share as directed by the Tribunal, subject to furnishing undertaking to the satisfaction of the Registrar [Judicial] of this Court. Remaining amount be kept in FDR. 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 70 days in filing the First Appeal.

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

C] 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.

D] ORDER IN FIRST APPEAL

1] First Appeal is admitted. On admission, Mr.S.S.Dargad, learned counsel waives notice for respondent nos.1 to 5.

2] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE

DDC