

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

985 CIVIL APPLICATION NO.11652 OF 2023
IN FAST/13836/2023 WITH CA/5741/2023 IN FAST/13836/2023 WITH CA/
5742/2023 IN FAST/13836/2023

ASHA W/O. PANDIT MULE AND ORS
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD THROUGH ITS BRANCH
MANAGER AND ANR

...
Advocate for Applicants : Mr. S.S. Londhe
Advocate for Respondent 1 : Mr. M.R. Deshmukh
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 19/10/2023

PER COURT :

1. Heard the learned counsel for the parties in the application filed for withdrawal of amount.
2. Appeal is filed by the Insurance Company. The Insurance Company has strongly dispute the involvement of the insured vehicle i.e. the tractor in the accident. The learned counsel for the Insurance Company submits that there is delay in recording that the tractor is involved in the incident, the evidence of Investigating Officer is not forthcoming and there is no clear finding on the involvement of the tractor.
3. Per contra, the learned counsel for the original claimants submits that there is no evidence to show that there is collusion between the tractor owner and the claimants.
4. Without going into the merits of the matter, I deem it appropriate to allow the applicants/claimants to withdraw amount of Rs.5,00,000/- (Rupees five lakh) along with the accrued interest thereon till date, subject to usual undertaking given by the major applicants to the satisfaction of the Registrar Judicial of this Court. Civil Application for withdrawal of

amount is disposed of.

5. In delay condonation application, for the reasons stated in the application, the delay of 92 days caused in filing the appeal is condoned. The application is allowed.

6. Since appellant acquiring body has deposited the amount of compensation as directed by this Court, the ad-interim stay granted earlier is confirmed. Stay application is disposed of.

7. Appeal is **admitted**.

8. On admission, Mr. S.S. Londhe, learned counsel waives service of notice for original claimants.

9. Call R. & P.

10. Parties are at liberty to apply for early hearing.

[ARUN R. PEDNEKER J.]

ssc/