

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

959 CIVIL APPLICATION NO.13685 OF 2023
IN FAST/22025/2023
WITH CA/8972/2023 IN FAST/22025/2023
WITH CA/8973/2023 IN FAST/22025/2023

MANGALABAI W/O ARJUN JAGTAP & OTHERS
VERSUS
RAMESHWAR S/O NARAYAN JADHAV & OTHERS

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Advocate for Applicants : Mr.B.V.Dhage
Advocate for Respondent no.1 : Mr.Anand Dale h/f.
Mr.S.S.Rathi

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

P.C. :

A] ORDER IN CIVIL APPLICATION FOR
WITHDRAWAL

1] The First Appeal is filed by the Insurance
Company on the ground of contributory negligence and
breach of policy.

2] The present Civil Application is filed by the
widow and four major children for withdrawal of the
amount.

3] I deem it appropriate that the applicants are

permitted to withdraw 50% of the amount deposited in this Court to the extent of their share along with interest accrued thereon subject to furnishing undertaking to the satisfaction of the Registrar [Judicial] of this Court. 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 126 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.B.V.Dhage, learned counsel waives notice for respondent nos.1 to 5.

2] Call R. & P.

[ARUN R. PEDNEKER]
JUDGE

DDC