

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 CIVIL APPLICATION NO.13423 OF 2023
IN FAST/24282/2023 WITH CA/9855/2023 IN FAST/24282/2023 WITH
CA/9856/2023 IN FAST/24282/2023

GOVIND S/O RAMRAO MAYKAR
VERSUS
THE CHOLOMANDALAM, M.S GENERAL INSURANCE CO. LTD. ANDORS

...
Advocate for Applicant : Mr. Kudale Bhagwan S.
Advocate for Respondent No.1 : Mr. A. G. Choudahri
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 03/11/2023

PER COURT :

1. The present appeal is filed by the Insurance Company against the order of the Tribunal on the ground of quantum of compensation granted by the Tribunal and also on the ground of contributory negligence of the deceased.
2. The application is filed for withdrawal of amount of compensation. Without going into merits of the matter, I deem it appropriate to allow the applicant to withdraw 60% of the compensation amount along with accrued interest thereon till date subject to filing of undertaking to the satisfaction of the Registrar (Judicial) of this Court. The application for withdrawal of amount stands disposed of.

3. In application for condonation of delay of 132 days caused in filing the appeal, for the reasons stated in the application the said application is allowed and disposed of.

4. In application filed for stay to the award passed by the Tribunal, the learned Advocate for the appellant submits that the amount has been deposited in this Court as per the directions of this Court. In view of the same, the Stay order passed by this Court dated 09/08/2023, is confirmed. The application filed for Stay stands disposed of.

5. The appeal is **admitted.**

6. After admission of the appeal, the learned Advocate Mr. B. S. Kudale waives service of notice on behalf of claimant.

(ARUN R. PEDNEKER, J.)

vj gawade/-.