

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

934 CIVIL APPLICATION NO.14410 OF 2023
IN FAST/23466/2023 WITH CA/9575/2023 IN FAST/23466/2023 WITH CA/
9576/2023 IN FAST/23466/2023

HARIDAS S/O BABURAO KHARAT
VERSUS
NEW INDIA INSURANCE COMPANY THE SENIOR DIVISIONAL MANAGER
AND ORS

...
Advocate for Applicant : Mr. M.C. Ghode
Advocate for Respondent 1 : Mr. A.S. Usmanpurkar
...

CORAM : ARUN R. PEDNEKER, J.
DATED : 07/12/2023

PER COURT :

1. Heard the learned counsel for the parties.
2. The present appeal is filed by the Insurance Company on the ground of quantum. The present appeal arises out of the injury claim made by the claimant.
3. Civil Application No. 14410/2023 is filed for withdrawal of amount by the claimant/applicant. The learned counsel for the Insurance Company has strongly opposed the application.
4. Considering the submissions made by the parties, without going into the merits of the matter and in the interest of justice, the applicant is permitted to withdraw 60% of the total compensation amount deposited in this Court along with the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar Judicial of this Court. Civil Application for withdrawal of amount is disposed of accordingly.
5. In application filed for condonation of delay of 143 days caused in

filing the appeal by the Insurance Company, for the reasons stated in the application, particularly the administrative reasons, the civil application is allowed. The delay of 143 days caused in filing the appeal is condoned.

6. Since the appellant/Insurance Company has deposited 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. M.C. Ghode, learned counsel waives service of notice for respondent/original claimant.

9. Call R. & P.

[ARUN R. PEDNEKER J.]

ssc/