



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 CIVIL APPLICATION NO.14573 OF 2023
IN FAST/626/2023 WITH CA/189/2023 IN FAST/626/2023 WITH
CA/190/2023 IN FAST/626/2023

JIBHAU TUKARAM NYAHALDE AND ANR
VERSUS
THE MANAGER HDFC ERGO GIC LTD AND ORS

...
Advocate for Applicants : Mr. Pawar Ajay D.
Advocate for Respondent No.1 : Mr. M. R. Deshmukh
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 08/12/2023

PER COURT :

1. Heard the learned Advocate appearing on behalf of respective parties.
2. 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.
3. In application for condonation of delay of 190 days, for the reasons stated in the application, the application for delay condonation is allowed and disposed of accordingly.
4. In application for withdrawal of amount, without going into the merits of the matter, I deem it appropriate to allow the applicants to

withdraw 50% of the deposited compensation amount along with accrued interest thereon till date to the extent of their shares as directed by the Tribunal, subject to filing of undertaking to the satisfaction of the Registrar Judicial of this Court. Application for withdrawal of amount stands disposed of.

5. In civil application filed for Stay, the learned Advocate for the applicants 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 07/01/2023, is confirmed. The application filed for Stay stands disposed of.

6. The appeal is **admitted**.

7. After admission of the appeal, the learned Advocate Mr. A. D. Pawar waives service of notice on behalf of respondents No.1 and 2.

(ARUN R. PEDNEKER, J.)

vj gawade/-.