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40ca3184.23

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

**40 CIVIL APPLICATION NO. 3184 OF 2023
IN FA/1880/2020**

KAILASH BABASAHEB DIWATE AND ORS

....Applicants

VERSUS

RAVINDRA NAVNATH KALE AND ORS

.....Respondents

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the applicants
Mr. Swapnil Lohiya, Advocate for respondent through VC

CORAM : KISHORE C. SANT, J.

DATE : 12th JULY, 2024

P. C.

1. Heard.

2. This application is for withdrawal of the amount deposited by the insurance company in the appeal pursuant to the judgment and award passed by the learned Member, MACT, Newasa, dated 11-12-2019 in MACP No. 262/2014.

3. The application is opposed by the insurance

company stating that the case of the applicants itself appears to be suspicious and doubtful as per story that the accident took place on 18-01-2012 whereas hospital documents shows that patient was admitted from 12-01-2012 till 24-01-2012.

4. Looking from the judgment in para No. 6 learned Member has considered this aspect and held that date 18-01-2012 is typographical mistake and allowed the claim petition.

5. Considering this, following order:-

ORDER

a] The applicants are entitled to withdraw 50% of the amount deposited in this court alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court.

b] With this, the application stands disposed off.

[KISHORE C. SANT, J.]