



(1)

25-CA-8747-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

25 CIVIL APPLICATION NO. 8747 OF 2024
IN FAST/7173/2024

Laxmi Baban Waware And Anr

VERSUS

United India Insurance Company Ltd Through Its Branch Manager And Anr

WITH

CIVIL APPLICATION NO. 3678 OF 2024
IN FAST/7173/2024

WITH

CIVIL APPLICATION NO. 3679 OF 2024
IN FAST/7173/2024

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Ms. Ankita J. Mantri h/f Mr. S. S. Dargad, Advocate for Applicant
Mr. Swapnil S. Rath for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 2nd DECEMBER 2024

PC :-

CIVIL APPLICATION FOR DELAY

1. Though Respondent No.3 is served, none appears for Respondent No.3.
2. Considering the reasons stated in the application, delay of 96 days stands condoned. Application is allowed.
3. Office to register the appeal.
4. Application stands disposed off.

CIVIL APPLICATION FOR WITHDRAWAL

1. Heard the learned Advocate for the parties.
2. Learned Advocate for the applicants prays for withdrawal of the amount of compensation that is deposited in this Court. The application is opposed by learned Advocate for the appellant. He opposes the application stating that the main ground taken in the appeal is of non involvement of the vehicle. However, considering above submission, following order:

ORDER

- (i) Application is allowed.
- (ii) Applicants are permitted to withdraw 50% of the amount deposited in the office of this Court alongwith accrued interest on furnishing usual undertaking.
- (iii) Further 25% of the amount is allowed to be withdrawn alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iv) Remaining amount be deposited in Fixed Deposit in any nationalized bank till final disposal of the appeal.
- (v) With this, application stands allowed and disposed off.

FIRST APPEAL

1. Issue notice to the Respondents, returnable on 10th February 2025.
2. Learned Advocate Mr. S. S. Dargad waives service of notice for Respondent No.1.

[KISHORE C. SANT, J.]

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