

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12257 OF 2023
IN FAST/30039/2023 WITH
CIVIL APPLICATION NO. 3534 OF 2024
IN FAST/30039/2023 WITH
CIVIL APPLICATION NO. 12259 OF 2023
IN FAST/30039/2023

Cholamandalam Ms General Insurnace Compnay Limited

VERSUS

Rajendra Bhaurav Patil And Others

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Advocate for Applicant : Mr. Choudhari Abhijit G

Advocate for Respondent Nos.1 & 2 : Mr. P.C. Mayure

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CORAM : S.G. MEHARE, J.

DATED : APRIL 19, 2024

PER COURT:-

1. Heard the respective counsels.
2. Learned counsel for the claimants opposed the application. For the reasons mentioned in the application, the application is allowed. The delay of 105 days caused in preferring the appeal stands condoned. Registry to register the appeal.
3. **Admit.**
4. Issue notice to the respondents.
5. Learned counsel Mr. P.C. Mayure waives service of notice for respondent nos.1 and 2.
6. Call record and proceedings.

ORDER IN CIVIL APPLICATION NO.3534 OF 2024 (WITHDRAWAL)

1. Heard the respective counsels.
2. Considering the grounds raised in the appeal and raising doubt about truthfulness of the claim, the applicants are allowed to withdraw partial amount. Hence, the following order :

ORDER

- (i) The application is partly allowed.
- (ii) The applicants are allowed to withdraw 50% of the amount with interest deposited with this Court on undertaking to deposit the money if the impugned judgment and award is reversed.
- (iii) The amount be apportioned equally.

ORDER IN CIVIL APPLICATION NO.12259 OF 2023 (STAY)

1. Heard the respective counsels.
2. Substantial grounds have been raised in the appeal. The appellant has a good case on merit. He has deposited the amount of compensation. Hence, interim stay granted to the appellant stands confirmed till conclusion of the appeal and application for stay has been allowed.

(S.G. MEHARE, J.)