



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 11366 OF 2024
IN FA/1269/2024
WITH
CIVIL APPLICATION NO. 5467 OF 2024
IN FA/1269/2024

RENUKA PRALHAD RATHOD AND ORS
VERSUS
ASIFKHAN SHABBIR KHAN AND ORS.

...
Advocate for Applicants : Mr. O.A. Deshpande h/f Mr. Shailesh
Sudhakar Chapalgaonkar
Advocate for Respondent No.3 : Mr. Ajit B. Kadethankar
Advocate for Respondent Nos. 5 & 6 : Mr. A.I. Deshmukh
...

CORAM : KISHORE C. SANT, J.
DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. Heard the parties.
2. This application is filed for withdrawal of the amount deposited by the appellant insurance company in the office of this Court.
3. The application is vehemently opposed by learned

Advocate Mr. Kadethankar for the appellant insurance Company. He submits that the learned MACT while calculating the has not considered the amount of compensation properly. The compensation amount is based on gross salary. Considering the above, the application deserves to be allowed. Hence this Court is inclined to pass following order :

ORDER

- (i) The Civil Application stands allowed.
- (ii) Applicants are permitted to withdraw 50% of the amount along with accrued interest deposited in this Court as per the impugned judgment and award on furnishing usual undertakings.
- (ii) Further 25% of the amount alongwith accrued interest deposited as per the impugned judgment and award in this Court is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.
- (iii) Remaining 25% of the amount alongwith accrued interest deposited, be deposited in Fixed Deposits, in any nationalized bank, to be renewed from time to time till disposal of the appeal.
- (iv) With this the Civil Application stands disposed off.

STAY

1. Heard. Since the amount is already deposited in the office of this Court, in view of the same, there shall be stay to the execution and operation of the impugned judgment and award till the final disposal of the appeal.
2. The Civil Application stands disposed off.

FIRST APPEAL

1. Heard. Issue notice to the respondents, returnable on 16.01.2025.
2. Call R & P.
3. Learned Advocate Mr. Deshmukh waives service of notice for respondent Nos. 5 & 6.

(KISHORE C. SANT)
JUDGE

mahajansb/