



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO. 11387 OF 2024
IN FAST/15756/2024

WITH

CIVIL APPLICATION NO. 6905 OF 2024
IN FAST/15756/2024

WITH

CIVIL APPLICATION NO. 6906 OF 2024
IN FAST/15756/2024

KARUNA KAPIL DAWNE AND ORS

VERSUS

VITTHAL S/O KALURAM DHERE AND ANR

...

Advocate for Applicants : Mr. V.D. Patnurkar

Advocate for Respondent No.2 : Mr. Ajit B. Kadethankar

...

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. The appeal is filed only on the ground of quantum of the compensation awarded by the Tribunal. 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 to the extent of shares of applicant Nos. 1 to 4.

(ii) Applicant Nos. 1 to 4 are permitted to withdraw 50% of the amount along with accrued interest deposited as per the impugned judgment and award in this Court on furnishing usual undertaking.

(ii) Further 25% of the amount alongwith accrued interest deposited is permitted to be withdrawn as per impugned judgment and award, in this Court on furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.

(iii) Remaining 25% of the amount alongwith accrued interest be deposited in Fixed Deposit, 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.

DELAY

1. This application is filed for condonation of delay of 229 days caused in filing the appeal by the insurance Company.
2. The application is vehemently opposed by the respondent Claimants.
3. For the reasons stated in the application, application stands allowed. Delay stands condoned.
4. The office to register the First Appeal.
5. 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 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. Patnurkar waives service of notice for respondent Nos. 1 to 4.

**(KISHORE C. SANT)
JUDGE**

mahajansb/