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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CIVIL APPLICATION NO. 13393 OF 2024
IN FAST/18015/2024

AND

CIVIL APPLICATION NO. 7252 OF 2024
IN FAST/18015/2024

AND

CIVIL APPLICATION NO. 7253 OF 2024
IN FAST/18015/2024

PRAYAGBAI WD/O SUBHASH TALEKAR AND ORS

....Applicants

VERSUS

UNITED INDIA INSURANCE CO LTD AND ORS

.....Respondent

Mr. Avinash Baburao Katkar, Advocate for the applicants

Mr. S. S. Rathi, Advocate for the respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 18th DECEMBER, 2024

P. C.

DELAY

1. This application is filed for condonation of delay of
217 days caused in filing this appeal.

2. For the reasons stated in the application, the delay stands condoned. The application stands allowed.

3. Office to register the appeal.

APPEAL

1. At the outset the learned advocate for the appellant seeks leave to delete the respondent No.4 as he is reported to be dead. Leave is granted.

2. Deletion be carried out forthwith.

3. Issue notice to the respondents, returnable on 26-02-2025. Mr. Katkar, learned advocate waives service of notice for the respondent Nos. 1 to 3.

STAY

1. Since the amount is already deposited in the office of this court, there shall be stay to the impugned judgment and award pending the appeal.

2. The application stands disposed off.

WITHDRAWAL

1. Heard.

2. This application is for withdrawal of the amount deposited in the office of this court by the insurance company.

3. The application is opposed only on the ground that the learned trial court has taken the income of the deceased to be Rs. 20,000/- per month without sufficient evidence. What has come on the record is that deceased was having agriculture land and though the deceased was running the business of milk, there is no specific evidence to that effect.

4. Considering that the applicant No.1 is the widow of the deceased and applicant Nos. 2 and 3 are the sons, this court is inclined to pass following order:

ORDER

- a] The application is partly allowed.

(4)

18ca13393.24

b] The applicants are permitted to withdraw 50% of the amount deposited in the office of this court alongwith accrued interest on furnishing usual undertaking.

c] With this, the application stands disposed off.

[KISHORE C. SANT, J.]

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