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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**6 CIVIL APPLICATION NO. 12479 OF 2024
IN FAST/2708/2024**

AND

**CIVIL APPLICATION NO. 2235 OF 2024
IN FAST/2708/2024**

AND

**CIVIL APPLICATION NO. 2237 OF 2024
IN FAST/2708/2024**

ALKA SANJAY TAK AND ORS

....Applicants

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO LTD AND ORS

.....Respondents

Mr. S. S. Dargad, Advocate for the applicants
Mr. R. H. Dahat, Advocate for the respondent NO.1

CORAM : KISHORE C. SANT, J.

DATE : 28th NOVEMBER, 2024

P. C.

WITHDRAWAL

1. Heard.

2. This application is by the wife, son and daughter of
the deceased.

3. The grounds raised in the appeal are of quantum and contributory negligence. So far as quantum is concerned, deceased was working as a Teacher in the Zilla Parishad Primary School. So there may not be any dispute of income of the deceased. So far as the contributory negligence is concerned, it is only stated that deceased was not wearing helmet and there is head on collision.

4. Looking to the above, following order:

ORDER

a] The application stands allowed.

b] The applicants are permitted to withdraw 50% of the amount alongwith accrued interest on furnishing usual undertaking. Further 25% of the amount is allowed to withdraw on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this court. Remaining amount

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be kept in a fixed deposit in any nationalized bank till disposal of the appeal.

c] The application stands disposed off.

STAY

1. Since the amount is already deposited, there shall be stay to the impugned judgment and award till further orders.

DELAY

1. Heard.
2. For the reasons stated in the application, the application stands allowed. The delay stands condoned.
3. Office to register the appeal.

APPEAL

1. Issue notice to the the respondents, returnable on 30-01-2025. Mr. Dargad, learned advocate waives service of notice for the respondent Nos. 1 to 3.

[KISHORE C. SANT, J.]