



IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO. 11116 OF 2024  
IN FAST/13681/2024

WITH

CIVIL APPLICATION NO. 5431 OF 2024  
IN FAST/13681/2024

WITH

CIVIL APPLICATION NO. 5432 OF 2024  
IN FAST/13681/2024

ANIL DATTA KURWADE AND OTHERS

VERSUS

THE NEW INDIA ASSURANCE CO LTD THROUGH ITS BRANCH  
MANAGER AND ANR

...

Advocate for Applicant : Mr. Khande Avinash Angadrao

Advocate for Respondent No.1 : Mr.A. S. Usmanpurkar

...

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 application is vehemently opposed by the learned Advocate for the appellant Insurance Company. 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 on furnishing usual undertakings.
- (ii) Further 25% of the amount deposited is permitted to withdraw alongwith accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar, (Judicial) of this Court.
- (iii) Remaining 25% of the amount alongwith accrued interest if any, be deposited in Fixed Deposit, in any nationalized bank, to be renewed from time to time till disposal of the appeal.
- (iv) After the undertaking and solvent surety/security is furnished by the applicants, the office of this Court shall remit the amount to the learned MACT, Parbhani for disbursement the same to the applicants stating that in case the appeal is allowed the Original Claimants shall re-

deposit the same alongwith interest in the MACT, Parbhani.

(iii) The learned MACT Parbhani shall permit the applicants to withdraw the amount from the MACT Parbhani.

(iv) The Civil Application stands allowed and disposed off.

### **DELAY**

1. This application is filed for condonation of delay of 154 days caused in filing the appeal by the insurance Company.
2. The application is vehemently opposed by the respondent Claimants.
3. Heard the parties. 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 as per the impugned judgment and award by the appellant insurance Company, in view of the same, there shall be stay to the impugned judgment and award till 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. Khande waives service of notice for respondent Nos. 1 to 3.

( KISHORE C. SANT )  
JUDGE

mahajansb/