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15-CA-13711-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 CIVIL APPLICATION NO. 13711 OF 2024
IN FAST/27550/2024

Smt Rahibai Vaijanath Kendre And Anr

VERSUS

The New India Insurance Company Ltd. And Ors

WITH

CIVIL APPLICATION NO. 11112 OF 2024

IN FAST/27550/2024

WITH

CIVIL APPLICATION NO. 11113 OF 2024

IN FAST/27550/2024

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Mr. K. N. Sermal h/f Mr. Sayyed Umair Pasha Abdul Quadar, Advocate
for Applicant.

Mr. S. S. Rathi, for respondent.

CORAM : KISHORE C. SANT, J.

DATE : 19th DECEMBER 2024

PC :-

1. Heard the learned counsel for the parties.
2. This application is filed for withdrawal of the amount. The applicants are the parents of the deceased who died in road accident. The application is opposed by the learned Advocate for the Respondent-Insurance Company. It is submitted that the appeal is mainly on two

points; one quantum as the income of the deceased taken Rs.1,80,000/- per year and secondly, on the point of contributory negligence. Considering the above, following order:

ORDER

- (i) Applicants are permitted to withdraw 50% of the amount deposited in the office of this Court alongwith accrued interest on furnishing usual undertaking.
- (ii) Further 25% of the amount alongwith accrued interest is allowed to be withdrawn on giving solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- (iii) Remaining amount be kept in fixed deposit in any nationalized bank till final disposal of the appeal.
- (iv) Application stands disposed off.

CIVIL APPLICATION FOR DELAY

- 1. Heard. For the reasons stated in the application, application is allowed. Delay stands condoned.
- 2. Office to register first appeal.
- 3. Application stands disposed off.

CIVIL APPLICATION FOR STAY

1. Since the entire amount is deposited in the office of this Court, there shall be stay to the impugned judgment and award till final disposal of the appeal.

FIRST APPEAL

1. Issue notice to the Respondents, returnable on 20th February 2025.
2. Learned Advocate Mr.Shermal waives service of notice for Respondent Nos. 1 and 2.
3. Call for record and proceedings.
4. Parties are put to notice that this court may take up the appeal for final disposal at the stage of admission after receipt of record and proceedings.

[KISHORE C. SANT, J.]