



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

949 CIVIL APPLICATION NO. 11782 OF 2024
IN FA/3786/2022
WITH
CIVIL APPLICATION NO. 16953 OF 2022
IN FA/3786/2022

SARLABAI SANJAY MAHAJAN AND OTHERS
VERSUS
JAMIL SAHAB FAJI SAHAB AND ANR

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Advocate for Applicants : Mr. Manoj Shinde h/f Mr. Shailesh
Sudhakar Chapalgaonkar

Advocate for Respondent No.1 : Mr. Faisal N. Shaikh h/f Mr.
Shaikh Nasimoddin R. R.

Advocate for Respondent No.2 : Mr. Vedant Kabra h/f Mr.
Rameshwar F. Totala

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CORAM : KISHORE C. SANT, J.

DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. Heard. This application is filed for withdrawal of the amount deposited by the insurance Company along with interest in the office of this Court. It is submitted that the appeal is filed on various grounds such as, the drivers of both

vehicles were not having valid and effective licenses. The owners of the truck are made the party. However, considering the arguments, this Court finds that the following order will meet the ends of justice :

ORDER

- (i) The Civil Application stands allowed.
- (ii) The applicants are permitted to withdraw 60% of the amount along with accrued interest, deposited in the office of this Court by the Insurance Company on furnishing usual undertaking.
- (iii) Remaining 40% amount alongwith accrued interest deposited be kept in Fixed Deposit, in any nationalized bank, to be renewed from time to time till disposal of the appeal.

STAY

1. Since the entire amount as per the impugned judgment and award is deposited alongwith interest in the office of this Court, there shall be stay to the execution and implementation of impugned judgment and award till disposal of the appeal.

2. The Civil Application stands disposed off.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 19.12.2024.

2. Learned Advocate Mr. Chapalgonkar, waives service of notice for respondent Nos. 1 to 5. Mr. Shaikh Nasimoddin R. waives service of notice of Respondent No. 6.

**(KISHORE C. SANT)
JUDGE**

mahajansb/