



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

931 CIVIL APPLICATION NO. 2350 OF 2024
IN FAST/34729/2022 WITH CIVIL APPLICATION NO. 373 OF
2023 IN FAST/34729/2022 WITH CIVIL APPLICATION NO.
374 OF 2023 IN FAST/34729/2022

**MANGAL SUNIL IROLE AND ORS
VERSUS
UNITED INDIA INSURANCE CO.LTD. AND ANR**

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Advocate for Applicant : Mr. Prathamesh Chaudhari h/f
Mr. Rahul R. Karpe.

Advocate for Respondent No.1 : Mr. Atul B. Gatne.

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**CORAM : S. G. MEHARE, J.
DATE : 01.03.2024**

PER COURT :-

1. Heard the respective learned counsels for the parties.
2. The appeal has been preferred on the ground that the occurrence of the incident is doubtful. At belated stage, it has been alleged that the offending vehicle was involved in the accident. Hence, the following order :

ORDER

- (i) The application is partly allowed.
- (ii) The applicants are allowed to withdraw 80% from the amount deposited with this Court with accrued interest on the undertaking to deposit the

money, if the impugned judgment and award is reversed.

- (iii) The share of minor son be deposited in fixed deposit in any of the Nationalized Bank, under the guardianship of mother/applicant No.1 of her choice, with a right to receive the interest at quarterly rest.

Civil Application No.373 of 2023 (Delay)

- 3. Heard the respective learned counsels for the parties.
- 4. For the reasons mentioned in the application, the delay caused in preferring the appeal stands condoned. The application is allowed.
- 5. Registry to register the appeal.
- 6. Issue notice to respondents.
- 7. Learned counsel Mr. Karpe waives service of notice for all respondents.
- 8. Call R and P
- 9. List the matter in due course.

Civil Application No.374 of 2023 (Stay)

- 10. Heard the respective learned counsels.

11. In view of the grounds raised in appeal memo and allowing the applicants to withdraw the amount partially, the stay application is allowed on confirming the interim stay, till the conclusion of the appeal.

(S. G. MEHARE, J.)

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vmk/-