

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Civil Application F No. 2315 of 2014

in

First Appeal St. No. 13474 of 2014

The New India Assurance Co. Ltd., through Divisional Manager, Nagpur.

-Vrs.-

Smt. Jayashree wd/o Shriram Dhawad and Ors.

With

First Appeal No. 330 of 2014

Maharashtra State Road Transport, through ts Chairman, Nagpur.

Vrs.

Rajashree

\wd/o Shrikant Jichkar and otehrs.

With

First Appeal No. 332 of 2014

Maharashtra State Road Transport, through ts Chairman, Nagpur.

Vrs.

Smt. Jayshree wd/o Shriram Dhawad and 5 others.

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Mr. S. Sanyal, counsel for applicant.

Mrs. T.D. Khade, counsel for respondent nos. 1 to 4.

V.H. Kedar, counsel for respondent no.5.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : 1st SEPTEMBER, 2015

It is not in dispute that there were two deaths in the same accident. This court has already condoned delay in one appeal filed by insurance company. The vehicle involved was passenger bus of M.S.R.T.C. and M.S.R.T.C. has also filed two appeals and one of them has been admitted after condoning

delay.

In this situation though Advocate Mrs. Khade opposes the prayer for condonation of delay we allow Civil Application No. 2315/201. Office to register appeal filed by insurance company.

CAO 1574/2014

This application is moved by legal heirs of victim in First Appeal St. No. 13474/2014 ordered to be registered today.

During hearing we find that 70% of the compensation amount was to be deposited by M.S.R.T.C. and M.S.R.T.C. has deposited it in an appeal subsequently filed by it.

It is, therefore, apparent that application filed for withdrawal in appeal no. 330/2014 by these legal heirs and present civil application need to be considered together. We, therefore, direct the Registry to place these applications for further consideration after two weeks along with appeal filed by M.S.R.T.C.. Similarly, First Appeal No. 332/2014 and First appeal filed by Insurance company shall also be kept for consideration on that date.

JUDGE

JUDGE