

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

961 CIVIL APPLICATION NO. 8444 OF 2016
IN FAST/16229/2016 WITH CA/12238/2016 IN
FAST/16229/2016

UNITED INDIA ASSURANCE CO. LTD. THR ITS DEPUTY
MANAGER (T.P. HUB) DIV. OFFICE-I,
VERSUS
SAPNA MILIND SALUNKHE AND ORS

...

Advocate for Applicant : Mr. Rathi Swapnil S.
Mr. Sandanshiv M.B. Adv For R 1 To 4.

CORAM : P.R.BORA, J.

DATE : 2nd September, 2016.

PER COURT :

1) Heard. For the reasons stated in the application, which according to me are just and sufficient, delay of 75 days occurred in filing the present appeal is condoned. Appeal be registered in accordance with law. CA for condonation of delay disposed of.

2) Heard the learned Counsel for the applicant and learned Counsel for insurance company. In the impugned judgment and Award, the learned Tribunal has awarded 50% of the total

amount of compensation to the share of minor and has directed the said amount to be deposited in Fixed Deposit Receipt. I do not see any reason to cause any interference in the said order at this juncture. If out of the deposited amount, 50% amount is to be deposited in terms of the impugned Award, there may not be any difficulty for allowing the applicants to withdraw the balance 50% amount on submitting an undertaking that in the event the appeal is allowed and any adverse order is passed against them, they will re-deposit the amount so withdrawn by them, as may be ordered by the Court within next four months of passing such order. The balance 50% amount be invested in Fixed Deposit Receipt in any nationalized Bank for the period till disposal of the appeal. Order accordingly. CA for withdrawal of the amount is disposed of.

3) Issue notice of First Appeal, returnable after six weeks. Learned Counsel Shri Sandanshiv waives service for Respondent Nos. 1 to 4.

4) Learned Counsel for the insurance company submits that no relief is claimed against owner of the vehicle and as such, though he has been added as party respondent of the present appeal, he need not be served. In view of this, the service is completed.

5) Place the appeal for admission after six weeks.

(P.R.BORA)
JUDGE

bdv/