

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.14457 OF 2016

918 CIVIL APPLICATION NO. 14457 OF 2016

IN

FAST/34010/2015

WITH

CA/16595/2015 IN FAST/34010/2015

WITH

CA/16596/2015 IN FAST/34010/2015

RAMNATH GANPAT MAID AND ANR
VERSUS
UNITED INDIA INSURANCE CO. LTD.

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Advocate for Applicants : Mr.P. L. Paswan
Mr.A. B. Gatne, Adv., for R/1

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CORAM : P.R. BORA, J.
Dated: October 27, 2016

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PER COURT :-

1. The present appeal is filed by the Insurance Company only on amount of compensation. As such, the owner and driver of the offending vehicle may not be necessary parties and the appeal can be decided even in their absence. The owner and the driver, respondent nos. 3 and 4, respectively, are reported to be dead. In view of the observations as above, since their presence is not necessary for adjudication of the appeal, the service is held to be complete.

2. Heard learned Counsel for the parties. Delay of three days has occurred in filing the present appeal. For

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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(2)

CA NO.14457 OF 2016

the reasons stated in the application for condonation of delay which, according to me are just and sufficient, delay is condoned. Civil Application for condonation of delay stands disposed of.

3. The Appeal be registered in accordance with law. Issue notice to the respondents in the appeal. Shri Paswan, learned Counsel, waives service for respondent nos. 1 and 2 i.e. Original claimants. Service on other respondents is dispensed with. Service complete. Hearing of the appeal is expedited. The matter be placed for final disposal at admission stage on 14th December, 2016.

4. In view of the fact that the Insurance Company has deposited the entire amount of compensation, the interim stay granted vide order passed by this Court on 21st of December, 2015, is made absolute. Civil Application for stay stands disposed of.

5. Heard learned Counsel for the applicant on the application for withdrawal of amount and the learned Counsel appearing for Insurance Company.

6. Considering the contentions raised in the application for withdrawal of the amount and having regard to the objections raised by the appellant Insurance

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(3) CA NO.14457 OF 2016

Company in challenge to the impugned judgment and award, I deem it appropriate to pass following order:

ORDER

1. The application for withdrawal of amount is partly allowed. The applicants in the application for withdrawal of amount are permitted to withdraw a sum of Rs.7,00,000/- (Rs. Seven lacs) from the deposited amount on submitting an undertaking that in the event any adverse order is passed, they will re-deposit the said amount within four months of passing such order.

2. The balance amount be invested in a Fixed Deposit Receipt in any nationalized Bank initially for a period of one year and thereafter till disposal of the appeal.

3. Civil Application for withdrawal of amount stands disposed of in above terms.

(P.R. BORA, J.)

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