

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3840 OF 2015
IN
FIRST APPEAL (ST.) NO.31162 OF 2015

The New India Assurance Company Limited ... Appellant
vs.
Sunaina Ramsoch Vishwakarma and Others ... Respondents

WITH
CIVIL APPLICATION NO.583 OF 2016
IN
FIRST APPEAL (ST.) NO.31162 OF 2015

Sunaina Ramsoch Vishwakarma and Others ... Applicants
In the matter between
The New India Assurance Company Limited ... Appellant
vs.
Sunaina Ramsoch Vishwakarma and Others ... Respondents

Mr. D.R. Mahadik, for the Appellant.
Mr. T.J. Mendon, for the Respondent No. 1.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **12th FEBRUARY, 2016**

P.C.:

C.A. 3840 OF 2015 :-

. This civil application is moved for condonation of delay of 32 days in filing the Appeal. The learned counsel for the Respondent No. 5 Central Bank of India is served.

2. Considering the short delay of 32 days and the reasons mentioned in para 2 of the application, the delay is hereby condoned. The Appeal be registered.

3. Accordingly the Civil Application No. 3840 of 2015 stands disposed of.

C.A. 583 OF 2016 :-

4. This application is moved for withdrawal of the amount. The learned counsel for the Insurance Company submits that the Insurance Company has deposited the amount. The learned counsel for the claimant submits that the Tribunal has fixed the amount of compensation of Rs. 30,45,400/- with interest @ 7.5% p.a. He submitted that the Applicant No. 1 is widow and Nos. 2 to 4 are the sons of the deceased.

5. The learned counsel for the Insurance Company while opposing the application has submitted that there was a breach of policy as the passengers were not allowed in the said vehicle.

6. In view of the submissions of both the learned counsel, I am inclined to allow the application. The Applicant-widow is allowed to withdraw Rs. 10 lacs out of the deposited compensation amount upon furnishing usual undertaking before the Tribunal.

7. Accordingly the Civil Application No. 583 of 2016 stands disposed of.

(MRS.MRIDULA BHATKAR, J.)