

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

WRIT PETITION NO. 7385 OF 2004

The New India Assurance Co. Ltd. Pune .. Petitioner

Vs

Shri Narsingh Jaysing Paygude,
Decd. Thr' legal heirs:

1 A. Smt. Jayshri Narsing Paygude & ors. .. Respondents

***Along with
WRIT PETITION NO. 7379 OF 2004***

The New India Assurance Co. Ltd. Pune .. Petitioner

Vs

Master Kuldeep Shatrughna Nigade
Being Minor through Defacto guardian
Shri Ranjeet Jaywant Jagtap & anr.

.. Respondents

***Along with
WRIT PETITION NO. 7394 OF 2004***

The New India Assurance Co. Ltd. Pune .. Petitioner

Vs

Nilesh Vijay Paygude & anr.

.. Respondents

***Along with
WRIT PETITION NO. 7203 OF 2004***

The New India Assurance Co. Ltd. Pune .. Petitioner

Vs

Sandeep Gulab Paygude & anr.

.. Respondents

Along with
WRIT PETITION NO. 7309 OF 2004

The New India Assurance Co. Ltd. Pune .. Petitioner
Vs
Kumari Mona Ranjeet Jagtap
Minor through father and natural
Guardian Ranjeet Jaywantrao Jagtap & anr. .. Respondents

Along with
WRIT PETITION NO. 7299 OF 2004

The New India Assurance Co. Ltd. Pune .. Petitioner
Vs
Ranjeet Jaywantrao Jagtap & anr. .. Respondents

Mr.Ketan Chothani i/b M.G.Barve, for the Petitioner in all Petitions.
Mr. M. A.Utgikar, for Respondent No.1 -A to 1-C in W.P No.7385 of 2004 and Respondent No.1 in W.P. No.7299 of 2004, W.P. No.7309 of 2004 and W.P. No.7379 of 2004

CORAM : N.M.Jamdar, J.
Thursday, 22 September 2016.

P.C. :

The learned counsel for the Petitioner states that on instructions of Mr.Barve that they are unable to get instructions from the Petitioner, he placed on record communication addressed to the Petitioner.

2. On 8 September 2016, following order was passed-

'None for the Petitioner. Learned counsel for the Respondents makes grievance that Writ Petition

No.7385 of 2004 arises out of Miscellaneous Application No.104 of 2002 and Writ Petition No.7379/04 arises out of Miscellaneous Application No.105 of 2002, were decided by the Tribunal after fulfilled hearing and they were not settled before the Lok Adalat and the Petitioner, instead of filing First Appeal, filed Miscellaneous Application and thereafter the present Writ Petitions. It is submitted that inspite of depositing the amount by the Petitioner in this petition, the Respondents have not been able to withdraw the amount.

2. Stand over to 22 September 2016. The Petitioner is put to notice that if none appears on the next date, Court will consider permitting Respondents to withdraw the amount on such terms and conditions as the Court may think fit.'

Though while granting time to the Petitioner to make alternate arrangement, I am inclined to permit the Respondents to withdraw the amount which is deposited in this Court as indicated in the order dated 8 September 2016 as the claimants inspite of succeeding before the Tribunal after full-fledged inquiry, their matters are clubbed together with the petitions which were settled before the Lok Adalat. Prima facie, the Petitioner instead of filing first Appeal has filed Writ Petition. In the circumstances, as far as the Writ Petition No.7385 of 2004 and Writ Petition No.7379 of 2004 are concerned, the Respondents herein are permitted to withdraw the amount deposited by the Petitioner in these two petitions on such terms and conditions and security to the satisfaction of the Registry. Stand over to eight weeks, i.e. 17 November 2016.

(N.M.Jamdar, J.)