

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3846 OF 2015
IN
FIRST APPEAL (ST.) NO.31171 OF 2015

The New India Assurance Company Limited ... Appellant
vs.
Suryakant Haribhau Nalavade and Others ... Respondents

WITH
CIVIL APPLICATION NO.582 OF 2016
IN
FIRST APPEAL (ST.) NO.31171 OF 2015

Suryakant Haribhau Nalavade and Others ... Applicants
In the matter between
The New India Assurance Company Limited ... Appellant
vs.
Suryakant Haribhau Nalavade and Others ... Respondents

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

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

DATE: **12th FEBRUARY, 2016**

P.C.:

C.A. 3846 OF 2015 :-

. This application is moved for condonation of delay of 32 days in filing Appeal. The learned counsel for 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. 3846 of 2015 stands disposed of.

C.A. 582 OF 2016 :-

4. This application is moved for withdrawal of the amount. The learned counsel for the Applicants submit that the Tribunal has fixed the amount of compensation as Rs. 39,28,600/- along with the interest @ 7.5% p.a. He submitted that the Applicants are widow and sons of the deceased. The Tribunal has awarded the compensation in equal apportionment to the applicants.

5. 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. 16 lacs out of the compensation amount upon

furnishing usual undertaking before the Tribunal. The amount is to be divided in equal apportionment between the applicants.

6. Accordingly Civil Application No. 582 of 2016 stands disposed of.

(MRS.MRIDULA BHATKAR, J.)