

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO. 236 OF 2016
AND
MISC. CIVIL APPLICATION ST. NO. 2601 OF 2016
IN
FIRST APPEAL ST. NO. 13373 OF 2014

(UNITED INDIA INSURANCE CO. LTD.....VS..SMT. SHILATAI OMPRAKASH BORA & ORS.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.N.Kukday, Advocate for Applicant/Appellant.
Shri P.R.Agrawal, Advocate for Non-applicant/Resp. Nos.1 to 4.
Ms Nisha Singhania, Advocate for Respondent No.6.

CORAM : Z.A.HAQ, J.
DATED : SEPTEMBER 23, 2016.

Though the applications are opposed, considering the reasons given in the application, the delay of 499 days in filing the Miscellaneous Civil Application is condoned and the order passed by the learned Registrar (Judicial) on 16th September, 2014 refusing registration for non-removal of the office objections is set aside.

The Civil Application and Miscellaneous Civil Application are allowed.

However, the applicant-appellant shall pay costs of Rs.Two Thousand to the respondent Nos. 1 to 4-claimants and produce receipt on record of the appeal within four weeks.

CIVIL APPLICATION ST.NO.13379/2014.

Taken up for consideration.

Heard Shri D.N. Kukday, advocate for the applicant-appellant and Shri P.R. Agrawal, advocate for the non-applicant-respondent Nos.1 to 4 and Ms Nisha Singhania, advocate for the non-applicant-respondent No.6.

Considering the reasons stated in the application, the delay of 122 days in filing the appeal is condoned.

The civil application is **allowed**.

FIRST APPEAL ST. NO. 13373/2014.

Taken up for hearing on admission.

Heard learned advocates for the respective parties.

ADMIT.

Call R & P.

The appellant shall file private paper book within six months.

Shri P.R. Agrawal, advocate waives notice for the respondent Nos. 1 to 4 and Ms Nisha Singhania, advocate waives notice for the respondent No.6.

CIVIL APPLICATION (CAF) NO. 1395/2016.

The appellant has deposited the amount as per the impugned award. In view of this, the execution of the impugned award is **stayed** till disposal of the appeal.

The application is disposed accordingly.

CIVIL APPLICATION (CAF) NO. 2645/2016.

The appellant has deposited the amount as per the impugned award.

Considering the nature of defence of the appellant-Insurance Company and the facts on record, the respondent Nos. 1 to 4 (claimants) are permitted to withdraw 50% of the amount unconditionally and the balance 50% amount be given to the respondent Nos. 1 to 4 after the respondent Nos.1 and 4 furnish undertaking to the satisfaction of the Registrar (Judicial) of this Court that if at the time of hearing it is found that the claimants are not entitled for the amount withdrawn by them, the amount would be re-deposited with interest as may be determined by this Court within two months.

The respondent Nos.1 and 4 shall accept the liability of re-deposit, if situation arises, on behalf of the respondent Nos. 2 and 3 also.

The amount be given to the respondent Nos. 1 to 4 in equal proportion.

The civil application is disposed in the above terms.

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by : R.B. Raut, PS

Uploaded on : 26/09/2016