

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

C.A.F. NO.660/2016
IN
FIRST APPEAL STAMP NO.2776/2016

National Insurance Company Ltd., through its Regional Manager, Nagpur

..Vs..

Rajesh Sundarlal Amge and another

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 25.10.2016.

Heard Shri Shashikant Borkar, Advocate for the applicant/appellant and Shri V.R. Thote, Advocate for the non-applicant/respondent No.1.

Accepting the explanation given in the application, delay of 24 days in filing appeal is condoned. The civil application is **allowed**. No costs.

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Taken up for hearing on admission.

ADMIT.

Call R & P.

The appellant shall file private paper book within six months.

Shri V.R. Thote, Advocate waives notice for respondent No.1.

The office note shows that respondent No.2 is

served. Fresh notice to respondent No.2 is not required.

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As the appellant has deposited the amount, the interim order granted on 9th February, 2016 shall continue until further orders. The civil application is **allowed**. No costs.

C.A.O.1854/2016

The appellant/Insurance Company has challenged the award mainly on the ground that the Tribunal has committed an error in considering the income of claimant as Rs.6,000/- per month and the income of claimant should have been considered as Rs.3,000/- per month. The other ground is that the Tribunal has committed an error in not deducting 50% of the amount of compensation as the accident occurred due to contributory negligence on the part of the claimant. Considering the challenges raised on behalf of the appellant and the facts of the case, the claimant is permitted to withdraw Rs.5,000,00/- (Rs. Five Lakhs Only). The balance amount be kept in fixed deposit until further orders. The claimant is at liberty to file application reiterating his request for further withdrawal of amount. The civil application is **disposed** in the above terms.

JUDGE