

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION (F) NO.1379 OF 2015

IN

FIRST APPEAL STAMP NO.10580 OF 2015

(IFFCO Tokio General Insurance Co. Ltd. ..vs.. Ashoksingh Minaram Patel and others)

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 the applicant/appellant,
Ms. Pinky Jagtap, Advocate for the respondent No.3,
Shri A.R. Agrawal, Advocate for the respondent Nos.4 to 7.

CORAM : Z.A. HAQ, J.

DATED : 27-09-2016

The impugned award was passed on 02-08-2012. The applicant/appellant had filed an application on 03-12-2012 seeking review of the award. As there was delay in filing the review application, the applicant/appellant had filed an application praying for condonation of delay. The Tribunal, by the order dated 16-04-2015, dismissed the application praying for condonation of delay and consequently rejected the review application.

This appeal is filed on 12-06-2015. The delay in filing the appeal is shown as of 942 days. This includes the period from 03-12-2012 to 16-04-2015 consumed by the applicant/appellant in prosecuting the review application.

Accepting the reasons stated in the application and considering the facts of the case, the delay in filing

the appeal is condoned.

The civil application is allowed.

First Appeal Stamp No.10580 of 2015.

The appeal is taken up for hearing on admission.

Heard.

Admit.

Call record and proceedings.

The appellant shall file private paper-book within six months.

Ms. Pinky Jagtap, Advocate waives notice for the respondent No.3.

Shri P.R. Agrawal, Advocate waives notices for the respondent Nos.4 to 7.

As the respondent Nos.1 and 2 are served with the notice of civil application and are aware about the pendency of the present proceedings, fresh notice is not required to be served on the respondent Nos.1 and 2.

Civil Application No. 1380 of 2015 and Civil Application No.2953 of 2016.

As the applicant/appellant has deposited the amount as per the impugned award, the execution proceedings shall stand stayed till the disposal of the appeal.

Out of the amount deposited by the appellant, Rs.15,00,000/- be kept in fixed deposit in a nationalised bank considering this amount as the amount of

compensation granted to the respondent No.5(minor).
The amount be kept in fixed deposit till disposal of the appeal.

The respondent No.6 and respondent No.7 shall be given Rs.2,00,000/- each.

The balance amount be given to the respondent No.4.

The civil applications are disposed in the above terms.

JUDGE

adgokar

CERTIFICATE

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

Uploaded by : P.M. Adgokar.

Uploaded on : 28-09-2016.

P.A. to Hon'ble Judge.