

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

CIVIL APPLICATION (CAF) NO.1984 OF 2016

IN

FIRST APPEAL (STAMP) NO.11698 OF 2016

(National Insurance Company Ltd., Akola ..vs.. Sunita wd/o Narendra Sakhare 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 C.A. Anthony, Advocate for the applicant/appellant,
Shri S.D. Chopde, Advocate for the respondent Nos.1 to 4.

CORAM : Z.A. HAQ, J.

DATED : 21-10-2016

Heard.

Accepting the reasons stated in the application,
delay of 93 days in filing the appeal is condoned.

The civil application is allowed.

First Appeal (Stamp) No.11698/2016.

Taken up for hearing on admission.

Admit.

Call record and proceedings.

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

Shri S.D. Chopde, Advocate waives notices for the
respondent Nos.1 to 4.

The respondent Nos.6 to 8 are served and the
report submitted by the learned Civil Judge (Senior
Division), Achalpur states that the respondent No.5 is
also served. As the respondent Nos.5 to 8 are already

served with the notice of Civil Application No.1984/2016 and are aware about pendency of this appeal, fresh notice to respondent Nos. 5 to 8 is not required.

Civil Application (CAF) No.1985/2016.

Considering the challenges raised by the appellant/Insurance Company and the facts of the case, following interim order is passed :

The amount deposited by the appellant be kept in fixed deposit in a nationalised bank.

The respondent No.1 be given 40% of the interest which will accrue on the amount every three months, for herself and respondent No.2.

The respondent No.3 be given 10% of the interest which will accrue on the amount, every three months.

The respondent No.4 be given 10% of the interest which will accrue on the amount, every three months.

The respondent Nos.1 to 4/claimants are granted liberty to file application for withdrawal of amount, if required.

The civil application is disposed in the above terms.

JUDGE

adgokar