

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

CIVIL APPLICATION (F) NO.3517 OF 2015

IN

FIRST APPEAL STAMP NO.22537 OF 2015

(National Insurance Co. Ltd. ..vs.. Smt. Shubhangi wd/o Ashish Ghurde and others)

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 : 26-09-2016

Heard Shri Shashikant Borkar, Advocate for the applicant/Insurance Company and Shri S.D. Chopde, Advocate for the non-applicant Nos.1 to 3/claimants.

None appears for the respondent No.4 though served.

Accepting the reasons stated in the application which are not controverted, the delay of 16 days in filing the appeal is condoned.

The civil application is allowed.

First Appeal Stamp No.22537/2015.

The appeal is taken up for 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 3.

As the respondent No.4 is served on Civil Application No.3517/2015 and is aware about pendency of this appeal, fresh notice is not required to be served on the respondent No.4.

Civil Application No.3518/2015 & Civil Application No.673/2016.

For the reasons stated in the applications, the appellant/Insurance Company is permitted to deposit the amount as per the impugned award.

If the amount is deposited within two weeks, the execution proceedings shall stand stayed.

The civil applications are disposed accordingly.

Considering the facts of the case and that the respondent No.2 is aged about 5 years, it is directed that the disbursement of the amount shall not be as per the award passed by the Tribunal but shall be in the following terms :

The respondent No.1 be given Rs.20,00,000/-.
The respondent No.3 be given Rs.10,00,000/-.

The balance amount be kept in fixed deposit in a nationalised bank initially for a period of three years and the fixed deposit be renewed every year until further orders of this Court.

The respondents are permitted to file application for further withdrawal of the amount.

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.