

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.6250/2017

**18 CIVIL APPLICATION NO. 6250 OF 2017
IN FA/1309/2004**

YOJANA BHANUDAS MADANE AND ORS
VERSUS
NEW INDIA ASSURANCE CO LTD AND ANR

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Advocate for Applicants : Mr.Nagarkar Kiran M.

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CORAM : P.R. BORA, J.
Dated: June 09, 2017

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PER COURT :-

1. The applicants have filed the present application seeking release of the amount of compensation deposited by respondent no.1 Insurance Company in this Court.

2. Respondent no.1 had preferred Appeal No.1309/2004 challenging the judgment and order passed in M.A.C.P.No.714/1997. The appeal so filed has been dismissed for non prosecution vide order passed by this Court (Coram: T.V.Nalawade, J.) on 14th December, 2015. Learned Counsel for the applicant submits that till date the applicants have not received any notice for restoration of the appeal so dismissed for want of prosecution. In view of the fact that the First Appeal No.1309/2004 has been dismissed for want of prosecution and no restoration application seems to have been filed till this date, there seems no reason for rejecting the application. Since the appeal has been dismissed, the order passed by the Tribunal stands

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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(2)

CA NO.6250/2017

confirmed. In view of the above, following order is passed:

ORDER

1. The amount deposited by respondent no.1 Insurance Company in First Appeal No. 1309/2004 be released in favour of the applicants.
2. As requested by the applicants, the amount deposited in this Court be transmitted to the Motor Accident Claims Tribunal at Nanded.
3. The Motor Accident Claims Tribunal, Nanded, shall, in turn, release the amount to the applicants by following the usual process.
4. Civil Application stands disposed of.

(P.R. BORA, J.)

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