

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4077 OF 2014  
IN  
FIRST APPEAL (ST.) NO. 31379 OF 2014**

The New India Assurance Co. Ltd. ...Applicant

Versus

Smt.Ranjana Narayan Ghadge & Ors. ...Respondents

WITH

**CIVIL APPLICATION NO. 2994 OF 2016  
IN  
FIRST APPEAL (ST.) NO. 31379 OF 2014**

Ranjana Narayan Ghadge

Narayan Jagannath Ghadge ...Applicants

**IN THE MATTER OF**

New India Assurance Co. Ltd. ...Appellant

Versus

Ranjana Narayan Ghadge & Ors. ...Respondents

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Mr.D.R.Mahadik for the Applicant in CAF No. 4077 of 2014.

Ms.Varsha Chavan for the Applicants in CAF No. 2994 of 2016 and  
for the Respondents in CAF No. 4077 of 2014.

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**CORAM: MRS.MRIDULA BHATKAR, J.**

**DATED: NOVEMBER 28, 2017**

**P.C. :**

1. Upon urgent mentioning, taken on Production Board.

**CIVIL APPLICATION NO. 4077 OF 2014**

2. Learned counsel for the applicant submits that there is a delay of 45 days in filing the First Appeal. He further submits that respondent no. 3 is not served. However, the appeal is filed on the point of quantum and negligence. Respondent no.3 did not appear before the tribunal.

3. Learned counsel for respondent nos. 1 and 2 is present and submits to the orders of the Court.

4. In view of the reasons mentioned in the Application, delay is condoned.

5. Appeal be numbered. Place the First Appeal for admission on 06.02.2018.

6. Civil Application is allowed and is disposed of accordingly.

**CIVIL APPLICATION NO. 2994 OF 2016**

7. This Application is filed by the applicants for withdrawal of the amount deposited by the insurance company.

8. By the order dated 21<sup>st</sup> April, 2014, the learned Member, Motor Accident Claims Tribunal, Mumbai, in M.A.C.P. No. 450 of 2010 has granted compensation of Rs. 13,29,000/- alongwith interest @ 7.5% p.a.
9. The learned counsel for the applicants submits that the applicants are parents of the deceased son.
10. Learned counsel for the original appellant/insurance company opposes this application.
11. In view of the submission, the applicants are allowed to withdraw 50% of the amount of compensation alongwith interest accrued thereon on an usual undertaking. The remaining amount is to be deposited in the fixed deposit of any nationalized bank.
12. Civil Application is allowed and is disposed of accordingly.

**(MRIDULA BHATKAR, J.)**