

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAF] No.1646 of 2016
IN
First Appeal St. No. 9255 of 2016
[National Insurance Co. Ltd. Vs. Smt. Nirmala Rambhau Randive & others]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Ms. Meenakshi Zunke, Adv., for the applicant.
Mr. P.P. Pendke, Adv., for non-applicant no.1.

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CORAM : A. S. CHANDURKAR, J.

DATE : 15th March, 2017

Prayer is to condone delay in filing the First Appeal. The applicant has filed additional affidavit dated 8th March, 2017 by which further explanation has been furnished.

The application is opposed by learned counsel for the non-applicant nos. 1 and 2 on the ground that no sufficient cause has been shown.

Having perused the reasons as mentioned in the application as well as the additional affidavit, I am satisfied that the delay as caused is not deliberate. Hence, delay in filing the First Appeal stands condoned.

Civil Application is allowed and disposed of.

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First Appeal St. No. 9255 of 2016 :

Heard.

Admit.

Shri P.P. Pendke, learned counsel, waives notice on behalf of respondent no.1.

Call for Records & Proceedings.

Appellant to file paper-book within a period of six months from today.

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Civil Application No. 538 of 2017 :

The claimant seeks permission to withdraw the amount of compensation deposited by the appellant.

The application is opposed by the learned counsel for the appellant on the ground that there is a breach of policy condition as per the report of the investigator.

Perused the impugned judgment. Considering the nature of evidence, the claimant is permitted to

withdraw fifty per cent of the amount of compensation deposited subject to filing an undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. Remaining amount shall remain invested in a Fixed Deposit.

Civil Application is disposed of.

Judge

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