

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

CIVIL APPLICATION (CAF) NO.1925 OF 2016

IN

FIRST APPEAL (STAMP) NO.10339 OF 2016

(The New India Assurance Company Ltd., Nagpur ..vs.. Smt.Savita wd/o Yadynbhu Borokar 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 M.B. Joshi, Advocate for the appellant,
Shri S.G. Joshi, Advocate for the respondent Nos.1, 2,3 and 5,
Shri A.V. Bhide, Advocate for the respondent No.6.

CORAM : Z.A. HAQ, J.

DATED : 18-01-2017

Accepting the reasons stated in the application,
which are not controverted, delay of 13 days in filing the
first appeal is condoned.

The civil application is allowed accordingly.

First Appeal (Stamp) No.10339/2016.

Taken up for admission.

Admit.

Call record and proceedings.

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

Shri S.G. Joshi, Advocate waives notices for the
respondent Nos.1, 2, 3 and 5.

Shri A.V. Bhide, Advocate waives notice for the
respondent No.6.

Shri S.G. Joshi, Advocate states that respondent No.4 has expired. Shri M.B. Joshi, Advocate for the appellant states that the legal representatives of the respondent No.4 are already on record and seeks permission to delete the name of respondent No.4. Permission granted.

Civil Application No.1926/2016.

As the amount as per the impugned award is deposited, the interim order granted by this Court on 15-06-2016 shall continue till the disposal of appeal.

The civil application is allowed accordingly.

Civil Application No.2119/2016.

Heard.

Considering the facts of the case specifically that the respondent Nos.2 and 3 are students of engineering course and the respondent No.1 is widow of deceased and respondent No.5 is aged mother of deceased, the following interim order is passed.

From the amount deposited by the appellant/ Insurance Company, respondent No.1/widow of deceased be given Rs.6,00,000/-. In addition, the respondent No.1 shall be given 80% of the interest which accrues on the amount of deposit, every three months.

The respondent No.5 (mother of deceased) shall be given 20% of the interest which accrues on the amount deposited by the appellant/Insurance Company,

every three months.

The respondents/claimants are at liberty to file application praying for further withdrawal of the amount, if occasion arises. This arrangement shall continue until further orders.

The civil application is allowed in the above terms.

JUDGE

adgokar