

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

CIVIL APPLICATION (CAF) NO.883 OF 2016

IN

FIRST APPEAL ST. NO.12468 OF 2015

National Insurance Company Ltd. Thr. The Regional Manager, Nagpur

-vs-

Piru Chandu Reghiwale and ors.

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

Court's or Judge's Orders.

Shri R. Chougule, Advocate h/f Shri S. D. Harode,
Advocate for applicant.
Shri S. A. Mohta, Advocate for respondent No.1.

CORAM : DR S.S. PHANSALKAR-JOSHI, J.

DATE : JUNE 07, 2017

This is an application seeking condonation of delay of 785 days in filing the appeal. It is submitted that the delay was caused on account of time spent in getting the typographical and mathematical error crept in judgment and order of the Tribunal being corrected.

Learned counsel for the respondent however, opposed the application on the ground that judgment of the Tribunal was passed on 08/02/2013 whereas application for said correction was made on 26/02/2015. Hence it is urged the delay is not explained satisfactory.

However, considering the reasons mentioned in paragraph 3 of the application though the mistake was noticed only in the year 2015, the application is allowed subject to the applicant paying costs of Rs.5000/- to respondent No.1 within a period of three weeks. On

failure to do so, this application for condonation of delay would automatically stand dismissed without reference to Court.

Application is disposed of.

C.A. F. No.3719 of 2016

This application is preferred by respondent No.1-original claimant seeking withdrawal of the amount of compensation deposited by the appellant in this Court. The amount of compensation was allowed towards the death of two she buffalos belonging to respondent No.1.

Considering the fact that respondent No.1 is a milkman and his daily source of earning is generated from the she buffalos and as in accident one of she buffalos is dead, the application for withdrawal of the amount is allowed.

Respondent No.1-claimant is permitted to withdraw 50% of the amount of compensation on filing undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. Remaining 50% amount of compensation is permitted to be withdrawn on furnishing surety/security to the satisfaction of the Registrar (Judicial).

Civil application is disposed of.

JUDGE