

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CAF No. 3281 of 2016 In FA (St) No. 19127/16

The BM, National Insurance v. Smt Vaishali and ors

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

Court's or Judge's orders

Shri Amit Kukday, Advocate for applicant
Shri H. D. Futane, Advocate for respondents no. 1 to 3
Shri K. N. Dadhe, Advocate for respondents no. 4, 5, 7 and 8

Coram : A. S. Chandurkar, J

Dated : January 27, 2017

Considering reasons mentioned in the application,
the delay in filing First Appeal stands condoned. Civil
Application is allowed and disposed of.

FA (St) No. 19127/16 :

Heard. Admit.

Call for Record and Proceedings.

Shri H. D. Futane, learned counsel waives notice
for respondents no. 1 to 3. Shri K. N. Dadhe, learned counsel
waives notice for respondents no. 4, 5, 7 and 8.

CAF No. 3282 of 2016 : As the applicant/
appellant has deposited the entire amount of compensation in
this Court, the effect and operation of the impugned Award
shall remain stayed during the pendency of the appeal. Civil
Application is disposed of.

CAF No. 99 of 2017 : By this application, the
claimants no. 1,2 and 3 who are the widow and children of
the deceased, seek permission to withdraw the amount of
compensation as awarded by the Claims Tribunal.

The application is opposed by the learned counsel
for the appellant on the ground that the driver of the vehicle

was not authorized to drive the offending vehicle.

Perused the impugned judgment. For the present, the claimants no. 1 to 3 are permitted to withdraw amount of Rs. 300,000/- each subject to their furnishing an undertaking that in case the appeal is allowed, the amount shall be repaid with interest at such rate as the Court may direct. Civil Application is disposed of.

JUDGE

joshi