

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

CIVIL APPLICATION (CAF) NO.3407 OF 2016
IN
FIRST APPEAL ST. NO. 20778 OF 2016

The New India Assurance Co. Ltd. Thr. its Regional Manager, Nagpur

-vs-

Jyoti wd/o Prashant Aswar 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 M. B. Joshi, Advocate for appellant/applicant.
Shri S. D. Chopde, Advocate for resp. Nos.1 to 5.

CORAM : A.S.CHANDURKAR, J.
DATE : February 17, 2017

Considering reasons assigned in the application, the
delay in filing first appeal stands condoned.

Civil application is allowed and disposed of.

F.A. St. No.20778 of 2016

Heard. **Admit.**

Call for record and proceedings

Shri S. D. Chopde, learned counsel waives notice on
behalf of the respondent Nos.1 to 5.

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

C.A.F. No.3408 of 2016

As the appellant has deposited the entire amount of
compensation in this Court, the execution of the impugned
award shall remain stayed during pendency of the appeal.
Civil application is allowed and disposed of.

C.A.O. No.2122 of 2016

The claimants seek 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 no evidence is led with regard to the income of the deceased.

Perused the judgment of the Claims Tribunal. In the facts of the case, claimants are permitted to withdraw an amount of Rs.5,00,000/- (Rupees five lakhs) in the following manner :

Amount of Rs.4,00,000/- (Rupees four lakhs) shall be paid to respondent Nos.1 to 3 and 5 as shown in cause title of the civil application on filing undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct.

Amount of Rs.1,00,000/- (Rupees one lakh) shall be paid to respondent No.4 on filing undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct.

Rest of the amount shall remain invested in fixed deposit.

Civil application is allowed and disposed of.

JUDGE