

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.13465 OF 2017 IN
FIRST APPEAL ST.NO.35296 OF 2017

The New India Assurance Co.Ltd.

Applicant

Versus

Chhaya w/o Arun Mote & others

Respondents

Mr.M.M.Ambhore, advocate for the applicant

Mr.S.S.Dargad, advocate for Respondents No.1 to 4.

CORAM : M.S.SONAK, J.

DATE : 05th February, 2018.

P.C. :

1 Perused the affidavit in reply filed by Mr.Suryakant s/o Sahebrao Makhare, Senior Divisional Manager.

2 In the affidavit, responsibility for loss of file has been placed on Mr.Ravikant Yadav. Earlier, despite direction of this Court that affidavit be filed by Senior Divisional Manager, no such affidavit was filed and it is only Mr.Ravikant Yadav, who filed an affidavit, in which, he did not even admit that he was responsible for loss of the file. Thus, no explanation is forthcoming as to why Senior Divisional Manager did not file the affidavit, in the first instance, despite directions to him to do so. Ultimately, the Senior Divisional Manager has tendered unconditional apology. Since, now it is submitted that the file has indeed been misplaced, the application for condonation of delay will have to be allowed, subject, however, to the payment of costs by the appellant-Insurance Company. Ordinarily, such costs are required to be

recovered from the person who was responsible for the loss of the file i.e. Mr.Ravikant Yadav. However, taking into consideration the fact that both, the Senior Divisional Manager and Mr.Ravikant Yadav have tendered apologies, no direction is issued for recovery of costs from them personally. Accordingly, delay is condoned subject to the appellant's paying costs of Rs.1000/- (Rs.One Thousand) within a period of four weeks from today.

3 Civil Application for condonation of delay is disposed of in the aforesaid terms.

M.S.SONAK
JUDGE

adb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.13466 OF 2017 IN
FIRST APPEAL ST.NO.35296 OF 2017

The New India Assurance Co.Ltd.

Applicant

Versus

Chhaya w/o Arun Mote & others

Respondents

Mr.M.M.Ambhore, advocate for the applicant

Mr.S.S.Dargad, advocate for Respondents No.1 to 4.

CORAM : M.S.SONAK, J.

DATE : 05th February, 2018.

P.C. :

Since the entire compensation amount is deposited, ad interim relief granted earlier is confirmed and application for stay is disposed of.

**M.S.SONAK
JUDGE**

adb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.15368 OF 2017 IN
FIRST APPEAL ST.NO.35296 OF 2017

Chhaya Arun Mote & others

Applicants

Versus

The New India Assurance Co.Ltd.
and another

Respondents

Mr.S.S.Dargad, advocate for applicants.

Mr.M.M.Ambhore, advocate for Respondent No.1.

CORAM : M.S.SONAK, J.

DATE : 05th February, 2018.

P.C. :

Civil Application for withdrawal of compensation made by the claimants is disposed of by permitting the claimants to withdraw 50% of the deposited amount by filing an undertaking that such withdrawal shall abide by final orders in the appeal.

Civil Application is disposed of.

M.S.SONAK
JUDGE

adb

BENCH AT AURANGABAD
FIRST APPEAL ST.NO.35296 OF 2017

The New India Assurance Co.Ltd.

Appellant

Versus

Chhaya w/o Arun Mote & others

Respondents

Mr.M.M.Ambhore, advocate for the appellant

Mr.S.S.Dargad, advocate for Respondents No.1 to 4.

CORAM : M.S.SONAK, J.

DATE : 05th February, 2018.

P.C. :

Heard.

Admit.

Call for Record & Proceedings.

Mr.Dargad, advocate waives service of notice on behalf
of Respondents No.1 to 4.

M.S.SONAK
JUDGE

adb