

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2285 OF 2018
IN
FIRST APPEAL (St.) NO. 18778 OF 2017
WITH
CIVIL APPLICATION (St.) NO. 11849 OF 2018
WITH
CIVIL APPLICATION (St.) No. 14711 OF 2018

Mrs. Shubhangi S. Lokhande	...	Applicant
Vs.		
New India Assurance Co. Ltd.,	...	Respondent

Ms. Poonam Mital for the Applicant in CAF 2287/2018 and
CAFST 11837/2018 and Respondent in CAF 2286/2018

Ms. Kavita Kundar and Vishal Dhende for the Applicant in
CAFST. 14711/2018 and for Respondent in CAF 2285/2018

CORAM : V. M. DESHPANDE, J.

DATE : JULY 4, 2018

PC :-

CIVIL APPLICATION (St.) No. 14711 of 2018

1. This is an application filed for withdrawal of the
amount by Mrs. Shubhangi S. Lokhande and her minor

daughter, who were injured in the accident. Learned counsel for New India Assurance Co. Ltd. makes a statement that insurance company has deposited amount of Rs.8,02,590/- before the learned the Court below. After hearing counsel for the parties, I pass following order:

- (i) Applicants are entitled to withdraw 50% of the amount of Rs. 8,02,590/-. At the time of withdrawal of the amount, Applicants shall give an undertaking to the learned Tribunal that in the event insurance company succeeds in the appeal, they will refund the said amount with interest, which will be calculated at that time by the Court.
- (ii) Learned Tribunal shall invest remaining 50% of the amount in any nationalised bank, initially for a period of three years and shall continue to do so as and when occasion arises in future;
- (iii) Application is partly allowed in the aforesaid terms.

Civil Application No. 2285 of 2018 :

2. This is an application filed by the insurance company seeking leave to serve Respondent No. 3 Abdul Rasik Bhai Mohavi by news paper publication. For the reasons stated in the application leave is granted, as prayed. Civil Application No. 2285 of 2018 is accordingly allowed and disposed of in terms of prayer clause (a).

Civil Application (St.) No. 11849/2018

3. This is an application filed by New India Assurance Co. Ltd. for condonation of 55 days delay caused in filing application for bringing proposed legal heirs of Respondent No. 5 on record. Issue notice of this application to proposed LR's. Viz. Respondent Nos. 5A, 5B, 5C, 5D and 5E, R/o. 29.8.2018.

Sd/-
[V. M. DESHPANDE, J.]

Vinayak Halemth