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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2284 OF 2018
IN
FIRST APPEAL (St.) No. 18797 OF 2017
WITH
CIVIL APPLICATION (St.) NO. 11842 OF 2018
WITH
CIVIL APPLICATION (St.) NO. 14693 OF 2018

The New India Assurance Co. Ltd. ... Applicant
Vs.
Smt. Shubhangi S. Lokhande & Ors. ... Respondents

Ms. Poonam Milal , for the Appellant, and for Applicant in CAF 2284/2018, CAFST 11842/2018 and for respondent in CAFST 14693/2018.

Ms. Kavita Kundar i/b Mr. Vishal A. Dhende, for Applicant in CAFST 14693/2018 and Respondent in CAF 2284/2018.

CORAM : V. M. DESHPANDE, J.

DATE : JULY 4, 2018

PC :-

CIVIL APPLICATION (St.) No. 14693 of 2018

1. This is an application filed for withdrawal of the amount by Mrs. Shubhangi S. Lokhande, who was injured in the

accident. Learned counsel for New India Assurance Co. Ltd. makes a statement that insurance company has deposited amount of Rs.1,35,964/- 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. 1,35,964/-. At the time of withdrawal of the amount, Applicant shall given an undertaking to the learned Tribunal that in the event insurance company succeeds in the appeal, she 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. 2284 of 2018 :

2. This is an application filed by the insurance company

seeking leave to serve Respondent No. 2 Abdul Rasik Bhai Mohavi by news paper publication. For the reasons stated in the application leave is granted, as prayed. Civil Application No. 2284 of 2018 is accordingly allowed and disposed of in terms of prayer clause (a).

Civil Application (St.) No. 11842/2018

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. 4 on record. Issue notice of this application to proposed LR's. Viz. Respondent Nos. 4A, 4B, 4C, 4D and 4E, R/o. 29.8.2018.

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

Vinayak Halemath