

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.280 OF 2015
WITH
CIVIL APPLICATION NO.413 OF 2018

The New India Assurance Co. Ltd., Mumbai Appellant-Applicant
V/s.
Hamant Sadashiv Patankar and Anr. Respondents

ALONG WITH

FIRST APPEAL NO.282 OF 2015
WITH
CIVIL APPLICATION NO.415 OF 2018

The New India Assurance Co. Ltd., Mumbai Appellant-Applicant
V/s.
Santosh Madhusudan Werlekar and Anr. Respondents

ALONG WITH

FIRST APPEAL NO.281 OF 2015
WITH
CIVIL APPLICATION NO.416 OF 2018

The New India Assurance Co. Ltd., Mumbai Appellant-Applicant
V/s.
Subhash Eknath Jadhav and Anr. Respondents

Mr. Devendranath S. Joshi for the Appellant-Applicant.

Mr. T.J. Mendon for Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 17TH OCTOBER, 2018.

P.C. :

1. Heard Mr. Joshi, learned counsel for the Appellant-Applicant, and Mr. Mendon, learned counsel for Respondent No.1.

2. These are the applications for restoration of the First Appeals, which came to be dismissed for non-filing of the paper-books within the stipulated time.
3. Considering that these Appeals were already admitted and on technical ground, they should not get dismissed, all these Appeals are restored to their original files.
4. Civil Applications are allowed in the above terms.
5. These Appeals can be disposed off today itself, as they raise a very short point for consideration, which pertains to the 'pay and recovery' order passed by the Tribunal against the Appellant-Insurance Company, directing it to deposit the amount of compensation within one month from the date of the order, but, at the same time, granting permission to recover it from the owners of the offending vehicles.
6. In view of the Judgment of the Hon'ble Apex Court in the case of *Manuara Khatun and Others Vs. Rajesh Kr. Singh and Others*, (2017) 4 SCC 796, this legal position is now well settled and, therefore, no interference is warranted in the impugned 'Judgments and Awards'. All these Appeals, therefore, stand dismissed.
7. The amount of Rs.25,000/-, respectively, which has been deposited by the Appellant-Insurance Company in this Court as a statutory deposit, be transferred to the concerned Tribunal. Appellant-Insurance Company is at liberty to withdraw the said amount.

[DR. SHALINI PHANSALKAR-JOSHI, J.]