

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1550 OF 2017
IN
FIRST APPEAL NO.35 OF 2017

United India Insurance Company Ltd. .. Applicant

In the matter between:

United India Insurance Company Ltd. .. Appellant

-Versus-

Neha Nitin Gujare & Ors. .. Respondents

Mr. Rahul Mehta i/b. KMC Legal Venture for appellant/applicant and
for applicant in C.A.No.4453 of 2016

Mr. T.J.Mendon for respondent in both and for applicant in
C.A.No.2432 of 2013

CORAM : K.K.TATED &
SARANG V. KOTWAL, JJ.

DATE : 15th January 2018.

P.C.

1] Heard learned Counsel for parties. This application is preferred by the Insurance Company for stay of the implementation and operation of the impugned judgement and Award dated 22nd October 2012 passed by the Motor Accident Claim Tribunal, Thane in MACT Application No.945 of 2004.

2] Learned Counsel for the applicant submits that the Insurance Company has already deposited the entire awarded amount in the trial court. He further submits that this Court by an order dated 22nd July 2013 passed in Civil Application No.2432 of 2013 permitted the respondent claimant to withdraw some amount. He further submit that the remaining amount is invested in Fixed Deposit. The statement is accepted. In this view of the matter, the civil application is disposed of as under.

a) Prayer clause (A) allowed which reads thus;

A. That this Hon'ble Court be pleased to stay the effect and implementation of the Judgment and Award 22.10.2012 passed in M.A.C.T. Application No. 945 of 2004 by Shri. N.B. Dhaytadak, Additional Member MACT & Ad Hoc District Judge-1, Thane at Thane.

b) Investment in fixed deposit to continue till the hearing and final disposal of first appeal.

c) No order as to costs.

(K.K.TATED, J.)

(SARANG V. KOTWAL, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4453 OF 2016
IN
FIRST APPEAL NO.35 OF 2017

United India Insurance Company Ltd. ..Applicant

In the matter between:

United India Insurance Company Ltd. ..Appellant

-Versus-

Neha Nitin Gujare & Ors. ..Respondents

Mr. Rahul Mehta i/b. KMC Legal Venture for appellant/applicant and
for applicant in C.A.No.4453 of 2016

Mr. T.J.Mendon for respondent in both and for applicant in
C.A.No.2432 of 2013

CORAM : K.K.TATED &
SARANG V. KOTWAL, JJ.

DATE : 15th January 2018.

P.C.

1] Heard learned Counsel for parties. This is an application preferred by the Insurance Company for substituted service on respondent No.7 Sachin S. Waikul.

2] Considering the submissions made by the learned Counsel for the applicants and averments made in application, we are satisfied

that the applicant has made out a case for substituted service.

Hence, the civil application is disposed of as under.

- a) Prayer clause (a) allowed which reads thus;
 - a. That the Notice of hearing of the above Civil Applications be allowed to be publicized in the "MAHARASHTRA TIMES" as against the Respondent No.7.
- b. Service to be completed within eight weeks from today.
- c. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)

(SARANG V. KOTWAL, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2432 OF 2013
IN
FIRST APPEAL NO.35 OF 2017

Smt. Neha N. Gujare & Ors. .. Applicants

In the matter between:

United India Insurance Company Ltd. .. Appellant

-Versus-

Smt. Neha N. Gujare & Ors. .. Respondents

Mr. Rahul Mehta i/b. KMC Legal Venture for appellant/applicant and
for applicant in C.A.No.4453 of 2016

Mr. T.J.Mendon for respondent in both and for applicant in
C.A.No.2432 of 2013

CORAM : K.K.TATED &
SARANG V. KOTWAL, JJ.

DATE : 15th January 2018.

P.C.

1] Heard learned Counsel for parties. This application is preferred by the claimant for withdrawal of the amount deposited by Insurance Company. This Court by an earlier order permitted the claimant to withdraw some amount. Learned Counsel for the claimant submits that the claimant No.3 is studying Architecture. He

wants to withdraw some amount for his studies and other expenses. Considering this fact, liberty is granted to the applicant- claimant No.3 to file appropriate application, if he so desires, for withdrawal of some amount with adequate details. The said application, if filed, shall be disposed of on its own merits. In view of this, the present civil application is disposed of.

(K.K.TATED, J.)

(SARANG V. KOTWAL, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.35 OF L2017

United India Insurance Company Ltd. .. Appellant
-Versus-
Smt. Neha N. Gujare & Ors. .. Respondents

Mr. Rahul Mehta i/b. KMC Legal Venture for appellant/applicant and
for applicant in C.A.No.4453 of 2016
Mr. T.J.Mendon for respondent in both in appeal and for applicant in
C.A.No.2432 of 2013

CORAM : K.K.TATED &
SARANG V. KOTWAL, JJ.

DATE : 15th January 2018.

P.C.

1] Heard learned Counsel for parties. The appellant to file private paper book within eight weeks from today. Printing dispensed with. Registry is directed to call for R & P immediately. Matter to appear on board after nine weeks under caption "for directions."

(K.K.TATED, J.)

(SARANG V. KOTWAL, J)