

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4297 OF 2016
IN
FIRST APPEAL STAMP NO. 15008 OF 2016**

The New India Assurance Co. Ltd. ... Applicant
Versus
Harshada Harischandra Bandivadekar & another ... Respondents

**WITH
FIRST APPEAL STAMP NO. 15008 OF 2016**

The New India Assurance Co. Ltd. ... Appellant
Versus
Harshada Harischandra Bandivadekar & another ... Respondents

**WITH
CIVIL APPLICATION NO. 4298 OF 2016
IN
FIRST APPEAL STAMP NO. 15008 OF 2016**

The New India Assurance Co. Ltd. ... Applicant
Versus
Harshada Harischandra Bandivadekar & another ... Respondents

**WITH
CIVIL APPLICATION NO. 4027 OF 2018
IN
FIRST APPEAL STAMP NO. 15008 OF 2016**

Harshada Harischandra Bandivadekar ... Applicant
In the matter between
The New India Assurance Co. Ltd. ... Appellant
Versus
Harshada Harischandra Bandivadekar & another ... Respondents

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Mr. Sandeep S. Jinsiwale, Advocate for the Appellant/Applicant in CA No.4297 and CA 4298 of 2016.

Mr. Alange Rajshekhar S., Advocate for Respondent No.1 in Appeal and CA No.4297 of 2016 and for Applicant in CA No.4027 of 2018.

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CORAM : A. S. CHANDURKAR, J.

DATE : 22nd NOVEMBER, 2018.

P. C.:

CIVIL APPLICATION NO. 4297 OF 2016

1. Notice on the application is made returnable forthwith. Mr. Alange, learned Counsel waives notice for respondent No.1.
2. In view of the fact that the respondent No.2 was proceeded ex-parte even before the claims Tribunal service on said respondent is dispensed with.
3. Though, the prayer for condonation of delay is opposed by the learned Counsel for the respondent No.1, considering the reasons mentioned, which appear to be acceptable, the delay in filing the appeal stands condoned.
4. Civil application is allowed and disposed of.

FIRST APPEAL STAMP NO. 15008 OF 2016

1. Heard.
2. *Admit.*
3. Call for the Record and Proceedings.
4. Mr. Alange, learned Counsel waives notice for respondent No.1.

CIVIL APPLICATION NO. 4298 OF 2016

1. As the appellant has deposited the entire amount of compensation with the Claims Tribunal at Solapur, the execution of the impugned order shall remain stayed during the pendency of the appeal.
2. Civil application is disposed of.

CIVIL APPLICATION NO. 4027 OF 2018

1. The applicant seeks permission to withdraw the amount of compensation as deposited by the appellant.
2. Perused the impugned judgment. In the light of the observations made in paragraph 6 thereof, the applicant has made out a prima-facie case. The applicant is permitted to withdraw 50% of the amount of compensation as deposited. The applicant shall file an undertaking stating therein that in case the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct. The undertaking be filed within a period of four weeks from today.
3. The remaining amount shall be invested in a fixed deposit.
4. Civil application is disposed of.

(A. S. CHANDURKAR, J.)