

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO.502/2018 IN FIRST APPEAL ST. NO.1422/2018
Chief Executive Engiener, Zilla Parishad Wardha .vs. Mrs. Vandana wd/o
Sanjayrao Bhokare and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms A. Singh, Advocate for applicant.
Mr. B.W. Patil, Advocate for non applicant nos. 1 to 3.
Mr. S. Wankhade, Advocate for non applicant no.4.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 26, 2018

This is an application for condonation of delay in preferring the appeal. The delay is of 211 days. The application is opposed by the original claimants by filing their reply.

I have heard Ms Singh, learned counsel for the applicant, Mr. Patil, learned counsel for non applicant nos. 1 to 3 and Mr. Wankhade, learned counsel for non applicant no.4. Though, the application is vehemently opposed by learned counsel for the non applicants, for the reasons stated in the application, the application is allowed. The delay is hereby condoned. Office to register the appeal.

The application is disposed of.

First Appeal Stamp No.1422/2018

Heard learned counsel for the appellant.

ADMIT. Call for the record and proceedings.

Mr. Patil, Advocate waives notice for respondent nos.1 to 3 and Mr. Wankhade, Advocate waives notice for respondent no.5.

Civil Application No.1070/2018

This is an application filed by original respondent nos. 1 to 3-original claimants for withdrawal of the amount deposited by the Chief Executive Officer, Zilla Parishad, Wardha before the tribunal below.

The claim petition filed on behalf of the claimants under Section 163-A of the Act is allowed by the Motor Accident Claims Tribunal, Wardha and in pursuance of that the appellant has already deposited the entire decretal amount.

Claimant nos. 2 and 3 are minor daughters of deceased Sanjayrao Bhokare. After hearing the parties to this application, I pass the following order.

ORDER

- (i) The application is partly allowed.
- (ii) Claimant no.1-Mrs. Vandana Sanjayrao Bhokare will be entitled to withdraw 50% of the decretal amount along with interest accrued thereon, deposited by the appellant before the tribunal below.
- (iii) The tribunal below is directed to invest the remaining amount in any nationalized bank for a period of three years, initially and shall continue to do said exercise as and when occasion arises.

(iv) Claimant no.1-Mrs. Vandana will be entitled to withdraw the interest accrued on the invested amount, twice in a year, for maintenance of minor daughters.

(v) It will be open for the claimants to move further application for withdrawal of the remaining amount after a period of three years.

The application is disposed of.

JUDGE

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