

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

CAF NO.1143/2017 IN FA ST.NO.21472/2016
The New India Assurance Company Ltd., thr. Manager, Nagpur
..VS..
Arun s/o Natthuji Wadnalwar and ors

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

Court's or Judge's Order

.....
Ms Anita Mategaonkar, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 22, 2018.

1. This is an application for condonation of delay in filing an appeal. Delay is of 28 days.
2. Heard learned counsel Ms Anita Mategaonkar for the applicant.
3. Notices on the present application were already issued. In pursuance to the said Notices, learned counsel Ms Gayatri Dharmadhikari appeared for non-applicant No.1 and learned counsel Shri Mahesh Rai appeared for non-applicant Nos.3 & 4.
4. The present application against non-applicant No.2 is already dismissed by the order of the Registrar (J.).
5. Learned counsel for the respective non-applicants states that they have no objection for allowing the present application.
6. In that view of the matter and after perusing contents in the application, I am satisfied that the applicant

has made out a case for condonation of delay.

7. Hence, for the reasons stated in the application, the application is allowed. The delay is hereby condoned. Office to register the first appeal. The civil application stands disposed of accordingly.

FA ST.NO.21472/2016

Heard. **ADMIT**. The record and proceedings be called for. Learned counsel Ms Gayatri Dharmadhikari waives service for respondent No.1 and learned counsel Shri Mahesh Rai waives service for respondent Nos.3 and 4.

Civil Application No.1875/2018

1. This is an application for withdrawal of amount. The said application is moved by respondent Nos.3 and 4 who are unfortunate parents of Aditya who lost his life in a vehicular accident.

2. Heard learned counsel Shri Mahesh Rai for respondent Nos.3 and 4, learned counsel Ms Anita Mategaonkar for the appellant, and learned counsel Ms Gayatri Dharmadhikari for respondent No.1.

3. In pursuance to orders passed earlier, the appellant has deposited entire decretal amount before this Court.

4. After hearing learned counsel for the parties, I pass following order:

ORDER

(i) The civil application is allowed.

(ii) Respondent Nos.3 and 4 will be entitled to withdraw entire amount deposited by the appellant along with interest accrued thereon.

(iii) With this, the civil application stands disposed of accordingly.

JUDGE

!! BRW !!

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