

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

CAF NO.1044/2017 IN FA ST.NO.21577/2016
The New India Assurance Co. 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 30 days.
2. Heard learned counsel Ms Anita Mategaonkar for the applicant.
3. Notices on this application were already issued. In the pursuance to the said Notices, non-applicant Nos.3 and 4/original claimants are represented by learned counsel Shri Mahesh Rai.
4. The present application against non-applicant No.2 is already dismissed by order of the Registrar (J.).
5. Though served, nobody is appearing for non-applicant No.1.
6. Learned counsel Shri Mahesh Rai for non-applicant Nos.3 and 4 has no objection for allowing the present application.
7. In that view of the matter and after perusing

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contents in the application, I am satisfied that the applicant has made out a case for condonation of delay.

8. 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.

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Heard. **ADMIT.** The record and proceedings be called for. Learned counsel Shri Mahesh Rai waives service for respondent Nos.3 and 4.

CAF No.948/2018

1. This is an application for permission to withdraw awarded amount. The said application is moved by applicants/respondent Nos.3 and 4.

2. I have heard learned counsel Shri Mahesh Rai for applicants/respondent Nos.3 and 4 and learned counsel Ms Anita Mategaonkar for the appellant.

3. After hearing learned counsel for the parties, I am satisfied that applicants/respondent Nos.3 and 4 have made out a case in their favour for withdrawal of the amount deposited by the appellant before this Court, however in part, as per order below:

ORDER

- (i) The civil application is allowed partly.
- (ii) Applicants/respondent Nos.3 and 4 are permitted to withdraw 50% of the amount deposited by the appellant

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along with interest accrued thereon.

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

JUDGE

!! BRW !!

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