

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

CIVIL APPLICATION (CAF) NO.1710 OF 2017

AND

FIRST APPEAL ST. NO. 6961 OF 2017

(THE NEW INDIA ASSURANCE CO. LTD....VS.. SMT. SAVITA GUNWANTA SHETE & OTH.)

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

Court's or Judge's orders

Shri M.B.Joshi, Advocate for Applicant/Appellant.
Shri S.K.Bhoyar, Advocate for Respondent Nos. 1, 5 and 6.

CORAM : Z.A.HAQ, J.

DATED : APRIL 11, 2018.

Accepting the explanation given in the
application, delay of 17 days in filing the appeal is condoned.

The civil application is **allowed**. No costs.

FIRST APPEAL ST. NO.6961/2017.

Taken up for hearing on admission.

Issue notice for final disposal, returnable on 24th
July, 2018.

Shri S.K.Bhoyar, advocate waives notice for the
respondent Nos.1 to 3, 5 and 6.

The respondent No. 4 (owner of the vehicle) is
served with notice of Civil Application No.1710 of 2017 and is
aware about pendency of these proceedings. Fresh notice to

the respondent No. 4 is not required. However, the learned advocate for the appellant shall send copy of this order to the respondent No.4 on his registered address by Speed Post Acknowledgment Due and file affidavit of compliance on record.

Call R & P.

The amount deposited by the appellant be kept in fixed deposit in a nationalized bank. Considering the fact that the respondent No.1 is widow of the deceased and respondent Nos. 2 and 3 are minor daughters of the deceased and respondent Nos. 5 and 6 are old parents of the deceased, it is directed that the respondent No.1 be given 60% of the amount of interest that accrues on the deposited amount, for herself and the respondent Nos. 2 and 3 every quarter starting from 1st July, 2018 and the respondent Nos. 5 and 6 be jointly given 40% of the amount of interest that accrues on the aforesaid amount every quarter from 1st July, 2018.

This arrangement shall continue until further orders.

JUDGE

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