

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

C.A.F. NO. 2495/2018 IN FIRST APPEAL ST. NO. 9581/2018

(THE BR.MGR., NATIONAL INSURANCE CO.LTD., BHILAI ...VERSUS... CHANDRAKANTA
PURUSHOTTAM LANJE & OTHERS)

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

Court's or Judge's orders

Shri V.P. Maldhure, counsel for the applicant.
Ms M.H. Pathade, counsel for the R-1 to 3.

CORAM : N.W. SAMBRE, J.

DATE : NOVEMBER 26, 2018.

Heard the learned counsel for the applicant.

The learned counsel for the non-applicant nos.1 to 3 strenuously objects to the claim for condonation of delay. None appears for non-applicant no.6 though served whereas the non-applicant nos.4 and 5 were shown to have died during pendency of the claim petition.

Since the legal representatives of the said non-applicants are not brought on record during pendency of the claim petition, the delay of 46 days caused in filing the appeal, in my opinion, is properly explained. As such, the delay is condoned. The civil application is allowed.

F.A. ST. NO.9581/2018.

ADMIT.

Learned counsel Ms M.H. Pathade waives notice of hearing on behalf of the respondent nos.1 to 3.

The appellant to file private paper book within six months from today, failing which the appeal would stand dismissed without further reference to the Court.

C.A.F. NO.2496/2018.

Heard.

Since the applicant has deposited the entire decretal amount, there shall be stay to the execution of impugned judgment.

Liberty to the respondents-claimants to apply for withdrawal of the deposited amount. If the application for withdrawal is not moved in another two weeks, the Registry to invest the deposited amount in the nationalized bank initially for a period of three months and thereafter for a period of three years.

The application is allowed in the aforesaid terms and disposed of.

JUDGE

APTE