

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

CIVIL APPLICATION (CAF) NO. 2464 OF 2016

IN

FIRST APPEAL ST. NO. 10661 OF 2016

(NATIONAL INSURANCE CO. LTD....VS.. MANOHAR SAMBSHIV DANGE & ANR.)

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

Court's or Judge's orders

Shri A.W.Paunikar, Advocate for Applicant/Appellant.
Ms S.S.Dhone, Adv. h/f. Shri S.N.Bhattad, Adv for Respondent No.2.

CORAM : Z.A.HAQ, J.

DATED : MARCH 26, 2018.

Heard.

According to the appellant/Insurance Company, the bus involved in the accident and which was driven by the respondent No.1/claimant, was not insured with it. The claimant had not impleaded as party to the claim petition, the owner/driver and insurance company of the truck involved in the accident.

Considering the facts of the case and the explanation given in the application, the delay of 1782 days in filing the appeal is condoned.

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

FIRST APPEAL ST. NO. 10661/2016.

Taken up for hearing on admission.

Heard.

ADMIT.

Call R & P.

The appellant shall file private paper book within six months.

Shri S.N. Bhattad, advocate waives notice for the respondent No.2.

CIVIL APPLN.NO. 2465/2016

As the appellant/Insurance Company has deposited the amount as per the impugned award, the following interim order is passed:

i) The award shall not be executed against the appellant/Insurance Company, until further orders.

ii) The respondent No.1/claimant will be at liberty to proceed with the execution against the respondent No.2/owner of the vehicle.

iii) The respondent No.1/claimant will be at liberty to file application seeking withdrawal of the amount deposited by the appellant/Insurance Company.

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

JUDGE