

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

CIVIL APPLICATION (CAF) NO.4432 OF 2017
WITH
CIVIL APPLICATION (CAO) NO. 4433 OF 2017
WITH
FIRST APPEAL STAMP NO.16577 OF 2017

(BAJAJ ALIANZ GENERAL INSURANCE CO.LTD.....VS.. GANGABAI SHIVDAS KAJE & OTH)

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

Court's or Judge's orders

Shri D.N.Kukday, Advocate for Applicant/Appellant.
Shri S.S.Alaspurkar for Respondent No.1.

CORAM : Z.A.HAQ, J.
DATED : SEPTEMBER 26, 2018.

CIVIL APPLN.NO.4432/2017

Accepting the explanation given in the application
delay of 97 days in filing the appeal is condoned.

The civil application is **allowed** accordingly.

FIRST APPEAL ST.NO. 16577/2017.

Taken up for hearing on admission.

ADMIT.

Shri S.S.Alaspurkar, advocate waives notice for
the respondent No.1.

Respondent Nos.2 to 5 are already served on Civil
Application No.4432 of 2017 and are aware about pendency
of these proceedings, fresh notice to the respondent Nos. 2 to
5 is not required. However, the learned advocate for the
appellant shall send copy of this order to the respondent Nos.
2 to 5 by Speed Post Acknowledgment Due/ Registered Post

Acknowledgment Due and file affidavit of compliance within 15 days.

Call R & P.

The appellant shall file private paper book within six months.

CIVIL APPLN. NO.4433/2017.

The learned advocate for the appellant and the learned advocate for the respondent No.1(claimant) submit that 50% of the amount of compensation is received by the respondent No.1 (claimant) from respondent No.4-Royal Sunderam Allianz Insurance Co.Ltd. It is further submitted that the appellant Insurance Company has deposited another 50% of the amount of compensation receivable by the respondent No.1 (claimant) as per the impugned award. The amount deposited by the appellant/ Insurance Company along with interest on it be given to the respondent No.1 (claimant).

This disbursal of the amount shall be without prejudice to the contentions of the appellant in the appeal about its liability *vis-a-vis* the respondent No.4-Insurance Company.

The execution of the impugned award shall stand stayed till disposal of the appeal.

The civil application is **disposed** in the above terms.

JUDGE