

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

CAO No.67/2018
in
CAF No.3480/2017
(IFCO-Tokyo General Insurance Co. Ltd. Akola Office .vs. kasam Khan
Nyamat Khan Pathan and others.)

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

Mr. D.N. Kukday, Advocate for Applicant.
Mr. S.A. Mohta, Advocate for Respondent Nos. 1 & 2.
Mr. A.S. Mehadia, Advocate for Respondent No.3.

CORAM : Manish Pitale, J.
DATED : January 25, 2018.

This is an application for permission to withdraw the amount of compensation deposited by the appellant in this Court. The applicant Nos. 1 and 2 are the husband and son respectively of the deceased. This is a case where the wife of the respondent no.1 had suffered injuries in an accident which took place on 27.06.2012. She was then treated for the injuries suffered by her in the accident and finally on 22.11.2012 she died. It is the contention of the appellant -Insurance Company that the death of the wife of the respondent no.1 could not be said to be attributable to the accident that took place on 27.06.2012. Considering the aforesaid submissions and the fact that applicant no.2/respondent no.2 is a young man, I find that it would be in the interest of justice if 50% amount is permitted to be withdrawn for the present. Therefore, the application is partly allowed and the respondent no.1 is permitted to withdraw 50% of

the amount deposited by the appellant subject to filing an undertaking before the Registrar of this Court that in the event the appeal is allowed, respondent no.1 shall refund the amount to the appellant.

CAF No.3480/2017.

This is an application for condonation of delay in filing the appeal. For the reasons stated in the application, the application is allowed and the delay is condoned.

F.A.St. No. 18161/2017.

Since a short issue is involved in this appeal, it is directed to be listed for final disposal on 01.03.2018.

Call for R. & P.

To be heard with connected F.A. St. No.18166 of 2017.

JUDGE

halwai