

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

CAF NO.1106/2017 IN FA ST.NO.21477/2016
The New India Assurance Company Ltd., thr. Manager, Nagpur
..VS..
Arun s/o Natthuji Wadnalwar and anr

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

Court's or Judge's Order

.....
Ms Anita Mategaonkar, Counsel for the applicant.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 22, 2018.

1. This is an application for condonation of delay in filing an appeal. Delay is of 29 days.
2. Heard learned counsel Ms Anita Mategaonkar for the applicant.
3. Notices on this application were already issued. In pursuance to the said Notices, learned counsel Ms Gayatri Dharmadhikari appeared for non-applicant No.1 and learned counsel Shri Mahesh Rai appeared for non-applicant Nos.3 to 7.
4. The present application against non-applicant No.2 is already dismissed by the order of the Registrar (J.).
5. Learned counsel Ms Gayatri Dharmadhikari for non-applicant No.1 and learned counsel Shri Mahesh Rai for non-applicant Nos.3 to 7 have no objection for allowing the present application.
6. In that view of the matter and after perusing

contents in the application, I am satisfied that the applicant has made out a case for condonation of delay.

7. Hence, for the reasons stated in the application, the application is allowed. The delay is hereby condoned. Office to register the first appeal. The civil application stands disposed of accordingly.

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Heard. **ADMIT.** The record and proceedings be called for. Learned counsel Ms Gayatri Dharmadhikari waives service for respondent No.1 and learned counsel Shri Mahesh Rai waives service for respondent Nos.3 to 7.

CAO No.1879/2018

1. This is an application for withdrawal of amount. The said application is filed by respondent Nos.3 to 7.

2. Smt. Nanubai lost her life in a vehicular accident. Respondent No.3 is her husband. At the time of filing of claim petition, his age was shown as 64 years. The claim was filed in the year 2013. Thus, as on today, his age will be 69 years.

3. Respondent Nos.4 to 7 are major sons and married daughters of deceased Nanubai. Therefore, *prima facie* they cannot be dependents of the deceased.

4. The appellant has deposited Rs.2,36,507/- before this Court.

5. Looking to the fact that it was an accident claim and considering the age of respondent No.3, I pass following order:

ORDER

- (i) Application of respondent No.4 to 7 is hereby rejected.
- (ii) Application of respondent No.3 is allowed.
- (iii) Respondent No.3 alone is entitled to withdraw entire amount deposited before this Court along with interest accrued thereon.
- (iv) With this, the civil application stands disposed of.

JUDGE

!! BRW !!

...../-