

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

CIVIL APPLICATION NO.4100/2016 IN F.A.ST.NO.22628/2016

Royal Sundaram Insurance Co. Ltd. .vs. Smt. Vandana w/o Wamanrao Kawle and ors.

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

Court's or Judge's orders.

Mr. A. J. Pophaly, Advocate for applicant.
Mr. A. A. Dhawas, Advocate for non applicant nos. 1 & 2.
Mr. M. P. Khajanchi, Advocate for non applicant no.3.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 12, 2018

This is an application for condonation of delay in preferring the appeal. The delay is of 77 days. Notices on this application were issued. Pursuant to the notices, Mr. Dhawas, Advocate appears for non applicant nos. 1 and 2, Mr. Khajanchi, Advocate appears for non applicant no.3. Though, office note shows that non applicant no.4 is not served, Mr. Kukday, Advocate submits that he waives notice for non applicant no.4. Learned counsel for the non applicants submit that they have no objection for allowing the application.

In that view of the matter, the application is allowed. Delay caused in filing the appeal is condoned. Office is directed to register the appeal.

The application is disposed of.

First Appeal Stamp No.22628/2016

Heard.

Admit. Call for the record and proceedings.

Mr. Dhawas, Advocate waives notice for respondent nos. 1 and 2, Mr. Khajanchi, Advocate waives notice for respondent no.3 and Mr. Kukday, Advocate waives notice for respondent no.4.

Civil Application No. 1847/2018

This is an application for withdrawal of the amount. The application is filed by respondent nos. 1 and 2, who are parents of deceased Surendra, who lost his life in a vehicular accident. The appellant-Insurance company has deposited an amount of Rs. 22,37,271/- as per earlier order passed by this Court.

The learned counsel for the Insurance Company has pointed out that though the deceased was a bachelor, learned Member of the Tribunal has deducted 1/3rd amount from his income towards his personal expenses.

In that view of the matter and after hearing learned counsel for the claimants, I propose to pass the following order.

ORDER

- (i) The application is partly allowed.
- (ii) Respondent nos. 1 and 2 are entitled to withdraw the amount of Rs.11,00,000/- from and out of the amount deposited by the Insurance Company.
- (iii) Rest of the amount shall be invested by Registry with any nationalised bank, initially for a period of 3 years and shall continue to do the said exercise as

and when occasion arises.

The application is disposed of.

Civil Application No.4101/2016

This is an application for stay filed by the applicant/appellant.

Today this Court has admitted the appeal and also allowed the application for withdrawal of amount in part. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) There shall be stay to the execution of judgment and award passed by the learned Member, Motor Accident Claims Tribunal, Chandrapur on 28.04.2016 in Claim Petition No.128/2009, in respect of the remaining amount invested by Registrar (Judicial) of this Court.

The application is disposed of.

JUDGE