

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

CIVIL APPLICATION (CAF) NO.4170 OF 2017

AND

FIRST APPEAL ST. NO.23080 OF 2017.

(NATIONAL INSURANCE COMPANY LTD...VS.. MASLEUDDIN BASHIR & OTH.)

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

Court's or Judge's orders

Shri Shashikant Borkar, Advocate for Appellant.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 11, 2018.

CIVIL APPLN.NO. 4170/2017.

Though non-applicants/ respondent Nos. 1 and 2
are served, none appears for them.

Accepting the explanation given in the
application, delay of 81 days in filing the appeal is condoned.

The civil application is **allowed** accordingly.

FIRST APPEAL ST.NO.23080/2017.

Taken up for hearing on admission.

ADMIT.

Call R & P.

The appellant to file private paper book within six
months.

CIVIL APPLN.NO. 4171/2017.

The appellant has deposited the amount as per the impugned award with the Registry of this Court. It is directed that the impugned award shall not be executed against the appellant/ Insurance Company. The respondent Nos.1 and 2 (claimants) will be at liberty to execute the award against the respondent No.3.

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

CIVIL APPLN.NO.1636/2018

Considering the facts of the case, following order is passed:

The amount deposited by the appellant/ Insurance Company with the Registry of this Court be kept in nationalized bank in fixed deposit which can fetch maximum interest. From the amount of interest, which would accrue on the deposit, 75% be given to the respondent No.1 for himself and for the respondent No.2, quarterly, starting from 1st November, 2018.

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

JUDGE