

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

CIVIL APPLICATION (CAF) NO. 1087/2018 IN
FIRST APPEAL STAMP NO. 1120/2018

National Insurance Co. Ltd., Nagpur.

Vs.

Smt. Sunita Gajanan Sable and others.

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

Court's or Judge's orders.

Shri C.A. Anthony, Advocate for the applicant/appellant.
Shri A.J. Thakkar, Advocate for the non-applicant/respondent Nos.1 to 4
and 6

CORAM: ARUN D. UPADHYE, J.

DATE: 4-12-2018.

Heard learned counsel for the applicant /
appellant.

The learned counsel for the applicant/appellant
has submitted that the non-applicant/respondent No.5 is
reported to be dead and his legal heirs are already on
record. Therefore, the name of non-applicant/respondent
No.5 be deleted. Necessary amendment be carried out
forthwith.

Perused the application. There is a delay of 139
days in filing the appeal. The non-applicant/respondent
Nos. 1 to 4 have objected for condoning the delay.
Considering the submissions of both the sides, the delay is
condoned.

The civil application is allowed.

FIRST APPEAL STAMP NO.1120/2018

Heard.

Admit.

Call R. & P.

Shri A.J. Thakkar, learned counsel waives service of notice for the respondent Nos. 1 to 4 and 6.

CIVIL APPLICATION (CAF) NO. 1088/2018

Heard learned counsel for the applicant / appellant.

It is submitted that the entire amount of compensation has been deposited before this Court and therefore stay may be granted.

In view of the submission made on behalf of the applicant/ appellant, the impugned judgment and award dated 18.3.2017 passed by the Member, Motor Accident Claims Tribunal, Buldana in Motor Accident Claim Petition No.256/2012 is hereby stayed till disposal of the appeal.

The civil application is allowed.

CIVIL APPLICATION (CAO) NO. 2120/2018

This application is filed for deleting the name of non-applicant/ respondent No.5. Perused the application. Considering the reasons stated in the application, application is allowed.

CIVIL APPLICATION (CAO) NO. 1803/2018

Heard learned counsel for the applicant / appellant.

This application is filed by the non-applicant / respondent Nos. 1 to 4 and 6 for withdrawal of the amount. The learned counsel for the applicant / appellant has submitted that the compensation amount of Rs. 11,87,330/- has been deposited in this Court. Necessary orders may be passed for withdrawal of amount. The applicant Nos. 2 to 4 are minors and therefore no permission could be granted. The respondent Nos. 1 and 6 at the most are entitled for withdrawal of the amount of Rs. 1,20,000/- each.

The amount of respondent Nos. 2 to 4 is already kept in fixed deposit in this Court, therefore no question arise for permission to withdraw the same.

Hence, I proceed to pass following order.

ORDER

- i] The application is partly allowed.
- ii] The non-applicant no.1 and 6 are permitted to withdraw the amount of Rs. 1,20,000/- each of their share.

JUDGE