

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

**930 CIVIL APPLICATION NO.12833 OF 2018
IN FA/787/2004**

**YASHODABAI RAMESH RATHOD AND ANR
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD AND ANR**

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Advocate for Applicants : Shri Kiran M. Nagarkar
Advocate for Respondent No.2 : Shri P.N. Sonpethkar
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CORAM : PR. BORA, J.
Dated: March 05, 2019

PER COURT :-

1. Shri Nagarkar, learned Counsel appearing for the applicants, who are the original claimants in the motor accident claim petition, submitted that, the present appeal, which was filed by the appellant – Insurance Company has been dismissed for want of prosecution on 13.12.2017 and till date, the applicants have not received any notice for restoration of the said appeal. The learned Counsel submitted that, after having waited for the reasonable period, the applicants have preferred the present application and has prayed for withdrawal of the amount deposited by the Insurance Company. The learned Counsel further submitted that, to facilitate withdrawal of the said amount, the amount deposited in this Court be transmitted to the Motor Accident Claims Tribunal at Nanded.

2. The record of the case shows that, despite due opportunities given to the appellant – Insurance Company to prosecute the appeal on merits, the same was not prosecuted further and in such circumstances, vide order passed on 13.12.2017 this Court has dismissed the appeal for want of prosecution. As submitted by learned Counsel Shri Nagarkar, the applicants till date have not received any notice of restoration of the said appeal, in the circumstances, I do not see any difficulty in allowing the application. Hence, the following order.

ORDER

(i) The amount of compensation deposited by the appellant – Insurance Company in the present appeal in this Court, with interest accrued thereon, be transmitted to the Motor Accident Claims Tribunal at Nanded so as to facilitate its withdrawal by the claimants. Civil Application stands disposed of.

(P.R. BORA, J.)

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