

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

CIVIL APPLICATION (CAF) NO. 1774 OF 2019

IN

FIRST APPEAL ST. NO.3639 OF 2019

The National Insurance Co. Ltd., thr. Regional Manager

..vs..

Ramdas s/o Shamrao Mude and ors.

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

Court's or Judge's orders

Shri V.P. Maldhure, Adv. for appellant.

Shri A.R. Rishi, Adv. for respondent nos. 1 and 2.

CORAM : VINAY JOSHI, J.

DATED : 29th NOVEMBER, 2019

Heard.

For the reasons stated in the application delay
of 88 days caused in filing first appeal, stands condoned.

Civil Application stands disposed accordingly.

CIVIL APPLICATION (CAF) NO. 1775 OF 2019

Heard.

Learned Counsel for the appellant made a
statement that the entire compensation amount is
deposited.

In view of that, stay granted to the execution
of impugned award by this Court vide order dated
30.04.2019, shall remain in force till the disposal of the
appeal. Civil Application stands disposed accordingly.

FIRST APPEAL ST. NO. 3639 OF 2019

Heard.

This appeal can be disposed at the stage of admission.

Call R & P.

Stand over to 13.12.2019.

learned Counsel Shri A.R. Rishi waives notice for respondent nos. 1 and 2.

CIVIL APPLICATION (CAO) NO. 2245 OF 2019

Heard.

This is an application of original claimants seeking permission to withdraw the compensation amount. In this appeal, the appellant has deposited total compensation of Rs.15,02,684/- (Rupees Fifteen Lakh Two Thousand Six Hundred and Sixty Four Only).

The appellant would submit that though this is a case of contributory negligence, the Tribunal has fasten the entire liability on the Truck owner and Insurer. So also the defense of breach of terms and conditions of insurance policy is taken. In view of that, the applicants are permitted to withdraw 50 percent of the compensation amount in equal proportion on furnishing usual undertaking to the satisfaction of Registrar(Judl.).

Civil Application stands disposed accordingly.

Put up on 03.01.2020.

JUDGE