

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

CIVIL APPLICATION (CAF) No. 1033 OF 2019

IN

F.A.St.No.3381 OF 2019

Reliance General Insurance Co. Ltd.

VS.

Sampada Pushpam Gupta and others

Office Notes, Office Memorandum of Coram,
orders

Court's or Judge's

appearances, Court's orders of directions
and Registrar's orders

Shri. H. N. Verma, Advocate for the appellant.
Shri. P. K. Mohta, Advocate for respondents No. 1 to 6.

CORAM : Manish Pitale J

DATED : 18.09.2019

This is an application for condonation of
delay of 81 days in filing accompanying appeal.

2. Notice was issued on this application on 11.03.2019. While the original claimants i.e. respondents No.1 to 6 have been served and they have appeared through counsel, respondents No.7 and 8 who are driver and owner of the offending vehicle could not be served. But since the main ground raised in the accompanying appeal by the insurance company is regarding quantum of compensation granted to the original claimants i.e. respondents No.1 to 6 who have been served with notice on this application, the present application can be taken up for consideration in the absence of service of notice of respondent Nos.7 & 8.

3. Having heard the rival parties.
4. For the reasons stated in the application, the same is allowed and delay is condoned.

First Appeal No. /2019.

Heard learned counsel for the appellant.

2. The main contention raised on behalf of the appellant insurance company is that the Tribunal erred in granting huge amount of compensation to the claimants in the absence of cogent material to support the extent of earning of the victim.
3. Issue notice, returnable in four weeks. Mr.P.K.Mohta, learned counsel waives notice on behalf of respondents No.1 to 6.

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In this application for stay, this Court had permitted the appellant insurance company to deposit 50% of the amount of compensation granted by the Tribunal in this Court. It is not disputed, that the said amount is deposited by the appellant. By order dated 11.03.2019, subject to such deposit stay of the order of the Tribunal was granted. In view of the deposit of the said amount, the stay granted in favour of the applicant/appellant is confirmed and the application is disposed of.

CIVIL APPLICATION (CAO) No. 1649 OF 2019

This is an application filed on behalf of respondent No.1 to 6 (original claimants), seeking permission to withdraw the amount deposited by the appellant insurance company in this Court.

2. Considering the nature of grounds raised in the appeal and the manner in which the Tribunal has calculated the quantum of compensation payable to the claimants, it would be in the interest of justice, the respondents No.1 to 6 are permitted to withdraw 50% of the amount deposited by the appellant insurance company in this Court.

3. Accordingly, the application is partly allowed and the respondents No.1 to 6 are permitted to withdraw 50% of the amount deposited by the appellant insurance company in this Court, subject to filing usual undertaking before the Registrar(Judicial) within a period of four weeks.

4. Application stands disposed of.

JUDGE