

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

C.A.F.NO. 1128/2019 IN F.A.ST.NO. 3970/2019.

National Insurance Company Ltd. Nagpur.

-VERSUS-

Vijay Mahadeo Nakhate and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.G. Kasbekar, Advocate for the Applicant.
Shri P.S. Mirache, Advocate for Non-applicant Nos.1 and 2.

CORAM : VINAY JOSHI, J.

DATE : 27.11.2019.

Heard.

2. For the reasons stated in the application,
the delay caused in filing First Appeal is condoned.
Civil Application is accordingly allowed and disposed
of. No costs.

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First Appeal No. _____ /2019.

Heard.

2. **Admit.** Call for Records and proceedings.

Learned Counsel for respondent nos. 1
and 2 waives notice on merit.

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3. Appellant is permitted to serve respondent no.3 owner of the vehicle, by paper publication. Appellant to comply with the necessary formalities within a period of four weeks from today.

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Civil Application No.1129/2019.

Heard.

2. The appellant/Insurance Company is seeking stay to the award passed in Claim Petition No.396/2014. It is contended that the appellant has deposited entire amount of compensation.

3. In view of that, the execution of the award under challenge is stayed till the final disposal of the appeal. Civil Application is accordingly disposed of. No costs.

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Civil Application No.2214/2019.

Heard.

2. The original claimants are seeking withdrawal of the compensation amount to the tune of Rs.6,36,523/- deposited by the Insurance Company. Record indicates that the parents aged 43 and 38 years of age have filed claim petition on account of death of

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their minor son aged 10 years. Naturally it cannot be said that the claimants were totally dependent on the income of the non-earning member. Considering said fact, the claimants are permitted to withdraw 50% of the compensation amount on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

JUDGE

Rgd.