

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

C.A.O. NO.1079/2019

IN

FIRST APPEAL NO.775/2018

ICICI Lombard General Insurance Co. Ltd.

..Vs..

Vimal Wd/o Dnyaneshwar Jadhav and others

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

Court's or Judge's orders

Ms. Ashwini Athalye, Advocate for the appellant.
Ms. M.H. Pathade, Advocate for respondent Nos.1 and 2.

CORAM : NITIN W. SAMBRE, J.

DATED : 16.9.2019

1] Delay of 7 days in preferring an application for restoration of appeal against the respondent No.3 is condoned. Civil application is **allowed**. No costs.

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2] The learned Counsel for the appellant submits that the prayer made in the appeal since is not of much consequences against the respondent No.3, service on respondent No.3 be dispensed with. Hence, the service to respondent No.3 is dispensed with. The appeal is taken up for final disposal by consent.

4] By the order impugned dated 28th June, 2016 the directions issued to the appellant / insurance company for payment of no fault liability to the tune of

Rs.50,000/- is under challenge.

4] I am informed that the claim petition is still pending.

4] In view of the above, the amount of no fault liability deposited in this Court is relegated to the Court taking up the claim petition. The amount be transferred within a period of four weeks from today.

5] The Tribunal shall deal with the prayer for withdrawal of the amount keeping in mind that at the time of final disposal an order to the effect pay-n-recover can be passed. The appeal stands **disposed of** accordingly. No costs.

JUDGE