

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

Civil Application (CAF) No.3075/2019

in

First Appeal No. 618/2015

New India Insurance Company Vs. Kalpana Shimpi & Ors.

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

Court's or Judge's orders

Ms. Anita Mategaonkar h/f Mr.Gautam Chatterji Advocate for appellant
Mr. A.J. Pophaly, Advocate for respondent No.6.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 23, 2019

This is an application filed on behalf of the original claimants (respondent Nos. 1, 2 and 4 herein). Although respondent No. 3 was also a claimant but he has since passed away. It is pointed out in the application that the said respondents are facing financial difficulties and that the incident in the present case has taken place as far back as in the year 2009.

2. It appears that the main ground taken by the insurance company in the appeal is that the Tribunal failed to appreciate the aspect of contributory negligence while passing the impugned judgment and order. Considering the contentions raised in the application and the grounds of challenge raised in the appeal, it would be in the interest of justice that

aforesaid respondents are permitted to withdraw at least 50% of the amount deposited in this Court, for the present.

3. Hence, the application is partly allowed and respondent Nos. 1, 2 and 4 are permitted to withdraw 50% of the amount deposited in this Court by the appellant insurance company, subject to furnishing usual undertaking before the Registrar (Judicial), within 4 weeks from today.

First Appeal No.916/2015.

The office note states that the learned counsel for the appellant failed to file private paper book, but, since the record and proceedings have been received and it appears that the appeal involves a short point, filing of private paper book is dispensed with and it is directed that the appeal be listed for final hearing on **17.10.2019**.

JUDGE