

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

C.A.F. No.1606 & C.A.O. No. 1824 OF 2019
IN
F.A.St.No.6808 OF 2019

Reliance General Insurance Company Ltd.

VS.

Smt. Santoshi Sanjay Bamb and others

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

Court's or Judge's

Shri. H. N. Verma, counsel for applicant ins. company.
Shri. Ashish Killedar, counsel for the respondents No.1 to 4

CORAM : Manish Pitale J

DATED : 25.09.2019

CIVIL APPLICATION (F) No.1606 OF 2019

The office note shows that the notice issued on this application is yet to be served on respondents No.8 to 10.

2. The original claimants are respondents No.1 to 4, who are served and they are represented through counsel. This Court is of the opinion that for the limited purpose of considering the question of condonation of delay, service of notice on respondents No.8 to 10 may not be required. The application is for condonation of delay of 23 days in filing the accompanying

appeal. 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. The appellant insurance company is disputing the quantum of compensation granted to the original claimants and it is further contended that the evidence and material on record did indicate contributory negligence on the part of the victim, which would have a direct impact on the quantum of compensation payable to the original claimants.

3. Hence, **Admit.**

4. Call R & P.

5. Shri.Ashish Killedar, learned counsel waives notice on behalf of respondents No.1 to 4.

CIVIL APPLICATION (F) No.1824 OF 2019

This application is filed on behalf of respondents No.1 to 4 seeking permission to withdraw the amount of compensation deposited by the appellant before this Court. As per order dated 10.04.2019, the appellant insurance company has deposited 50% of the amount of compensation. Even if the contentions raised on

behalf of the appellant were to be accepted, the quantum of compensation would have to be scaled down and therefore, there should not be any difficulty in allowing the present application.

6. Hence, the application is allowed and respondents No.1 to 4 are permitted to withdraw the amount of compensation deposited by the appellant in this Court on furnishing usual undertaking before the Registrar (Judicial) within a period of four weeks from today.

JUDGE

KOLHE