

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

CIVIL APPLICATION (O) No.1822 & 1823 OF 2019

IN

C.A.F. No. 751 OF 2019

IN

F.A.St.No.28685 OF 2018

The Oriental Insurance Company through Branch Manager, Amravati
VS.
Smt. Yogita wd/o Khemraj Chilhate & others

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

Court's or Judge's

Shri. A. M. Quazi, counsel for applicant.
Shri. Atul Mahajan, for Smt. Jayashtree Mahajan, counsel
for respondents No. 1 & 2.
Shri. C. U. Deopujari, counsel for respondents No.6 & 7.

CORAM : Manish Pitale J

DATED : 25.09.2019

These are applications filed by the original claimants seeking permission to withdraw the amount deposited by the appellant insurance company in this case. The appellant has deposited 50% of the amount of compensation granted by the Tribunal in terms of order passed by this Court.

2. The appellant has challenged the order passed by the Tribunal claiming that the calculation of quantum of compensation payable to the claimants is erroneous.

3. Considering that even if the contentions raised on behalf of the appellant are to be accepted, there would be reduction quantum of compensation and taking into account the fact that 50% of the amount of compensation is deposited on behalf of the appellant before this Court, the application filed by the applicants deserves to be allowed.

4. The Tribunal had directed 80% of the compensation to be paid to respondents No.1 to 3 and the balance 20% to respondents No.6 & 7. The applications are allowed and the respondents No. 1 to 3 are permitted to withdraw 80% of the amount deposited by the appellant on furnishing usual undertaking within a period of four weeks. The respondents No.6 & 7 are also permitted to withdraw balance 20% of the amount deposited in this Court on furnishing usual undertaking before the Registrar (Judicial) within a period of four weeks from today.

5. Application disposed of.

CIVIL APPLICATION (F) No. 751 OF 2019

This application is filed on behalf of appellant seeking condonation of delay of 143 days in filing the accompanying appeal.

6. Although the prayer for condonation of delay is opposed on behalf of the contesting respondents, for the reasons stated in the application, the same is allowed and delay is condoned.

FIRST APPEAL No. _____/2019.

Issue notice for final disposal, returnable in four weeks.

7. Smt. Mahajan, learned counsel waives notice on behalf of respondents No.1 to 3. Shri.Deopujari, learned counsel waives notice on behalf of respondents No.6 & 7.

8. Since respondents No.4 & 5 had to be served by paper publication, in the notice issued for condonation of delay, the appellant is permitted to serve respondents No.4 & 5 notice issued on the appeal also by paper publication within a period of four weeks from today.

JUDGE