

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

CIVIL APPLICATION (F) NO. 2042/2017
IN
FIRST APPEAL (ST.) NO. 9053/2017

Div. Manager, New India Assurance Co. Ltd.
..VS..
Prakash N. Wankhede & ors.

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

Court's or Judge's orders

Shri A.W. Paunikar, Advocate for the applicant/appellant
Ms. M.H. Pathade, Advocate for the non-applicant/respondent nos. 2 & 3

CORAM : Z.A.HAQ & S.M.MODAK, JJ.
DATED : 06/01/2020

Accepting the explanation given in the
application, the delay of 149 days in filing the appeal is
condoned.

The civil application is **allowed** accordingly.

FIRST APPEAL (ST.) NO. 9053/2017

Taken up for hearing on admission.

ADMIT.

Ms. M.H. Pathade, Advocate waives notice for
the respondent nos. 2 & 3.

The respondent no. 4 is served with the notice
of C.A.F. No. 2042/2017 by paper publication. As the
respondent no. 4 is aware about the pendency of appeal

before this Court, fresh notice need not be issued to the respondent no. 4, however, learned advocate for the appellant shall send copy of this order to the respondent no. 4 by SP/RPAD and file affidavit of compliance on record of this appeal within 1 week.

Learned advocates for the respective parties jointly submit that the parties would like to explore the possibility of amicable settlement through mediation and request that the matter be referred for mediation to Shri J.J. Chandurkar, Advocate.

The parties shall appear before the learned Mediator at the High Court Mediation Centre, Nagpur on 16/01/2020 at 1:45 pm.

Shri J.J. Chandurkar, Advocate is requested to undertake the mediation and submit report till 27/03/2020.

List the matter for further consideration on 15/04/2020.

CIVIL APPLICATION (F) NO. 2043/2017

The appellant has deposited 75% of the amount as per the impugned award, as directed by this Court by the order dated 25/04/2017.

If the appellant deposits the balance amount till 06/03/2020, the interim order shall continue till disposal of the appeal.

If the appellant fails to deposit the balance amount within the stipulated time, interim order shall cease to operate from 07/03/2020 and the claimants will be at liberty to proceed with the execution for recovery of the balance amount.

The civil application is **disposed** accordingly.

JUDGE

JUDGE

ANSARI