

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.54 OF 2014

National Insurance Co. Ltd. ...Appellant

Versus

Smt. Noor Afsa Faiyajan Khan and Ors. ...Respondents

**WITH
INTERIM APPLICATION (STAMP) NO.8279 OF 2021
IN
FIRST APPEAL NO.54 OF 2014**

Smt. Noor Afsa Faiyajan Khan and Ors. ...Applicants

Versus

Smt. Noor Afsa Faiyajan Khan and Ors. ...Respondents

**WITH
CROSS OBJECTION (STAMP) NO.9950 OF 2021
IN
FIRST APPEAL NO.54 OF 2014**

National Insurance Co. Ltd. ...Appellant

Versus

Smt. Noor Afsa Faiyajan Khan and Ors. ...Respondents

....

Mr. Nikhil Mehta i/b. M/s. KMC Legal Venture for the Appellant.
Mr. T.J. Mendon for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 16th JUNE, 2021.

P.C.:-

Learned counsel for the Appellant, under instructions seeks

leave to withdraw the appeal. Leave is granted.

2. Appeal is dismissed as withdrawn.

3. In view of disposal of First Appeal No.54 of 2014, Civil Application No.1367 of 2011 does not survive and hence stands disposed of.

4. Court fees, permissible under rules be refunded. Statutory deposit be transferred to M.A.C.T., Mumbai.

5. Amount of Rs.2,51,000 with proportionate interest accrued thereon be paid to Respondent No.1- Noor Khan, widow of the deceased. Respondent No.2 is a minor. Hence, an amount of Rs.1,00,000/- alongwith proportionate interest accrued thereon be invested in her name until further orders. Respondent Nos.3 and 4 - Sahadab Khan and Najo Khan, respectively are the siblings of the deceased. They have now attained the age of majority hence the amount of Rs.50,000/- each with proportionate interest accrued thereon be paid to Respondent Nos.3 and 4- Sahadab Khan and Najo Khan.

6. Interim application stands disposed of.
7. Mr. Mendon, learned counsel for the Petitioner in Cross Objection (stamp) No.9950 of 2021 seeks leave to amend the cause title in the cross objection so as to implead Najo Khan as party Respondent, who was original claimant No.5 in the claim petition. Leave is granted.
8. Cause title be amended accordingly. Amended copy of the cross objection be furnished to original Appellant (Insurance Company). Learned counsel for original claimant to file notes of evidence alongwith documents produced before the Claims Tribunal. Parties are put to notice that an endeavour will be made to decide the Cross Objection at the stage of admission.
9. Stand over to **12/07/2021**.

(SMT. ANUJA PRABHUDESSAI, J.)