

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

CAF NO.1200/2021 IN FA NO.167/2019

The Oriental Insurance Co.Ltd., Nagpur

..VS..

Savita wd/o Manoj Vaidya and ors

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

Court's or Judge's Order

Shri D.S.Khushlani, Counsel for Applicants/Respondent Nos.1
 to 4/Claimants.

Shri A.V.Joshi, Counsel for the Appellant.

CORAM : V.M.DESHPANDE, J.

DATED : NOVEMBER 16, 2021

1. Heard.

2. This appeal is filed by the Insurance Company. The Insurance Company is represented by its Advocate Shri A.V.Joshi. The appeal is already admitted on 21.1.2019.

3. Respondent Nos.1 to 4, who are original claimants, have moved this application and they are represented by learned counsel Shri D.S.Khushlani. By moving this application, they are praying for acceptance of undertaking dated 25.11.2019.

4. Vide order dated 26.6.2018, the appellant/Insurance Company was directed to deposit entire decretal amount. It is not disputed at all before this Court that accordingly the Insurance Company deposited entire decretal amount. Thereafter, respondent Nos.1 to 4/claimants moved Civil Application No.579/2019 for

withdrawal of the amount. According to learned counsel for the appellant/Insurance Company and learned counsel for respondent Nos.1 to 4/claimants, the said application was allowed on 1.10.2019 by this Court (Coram : Manish Pitale, J.). While allowing this application for withdrawal of the amount, the Court directed to furnish usual undertaking before Registrar (J) within a period of four weeks from the said day.

5. Learned counsel for respondent Nos.1 to 4/claimants furnished usual undertaking dated 25.11.2019. However, since the same is not filed within a period of four weeks from the date of order dated 1.10.2019, the said is not accepted. Learned counsel invited my attention to circumstances which constrained respondent Nos.1 to 4/claimants not to file undertaking within the stipulated period.

6. Learned counsel for the appellant/Insurance Company graciously submitted that he has no objection for the application moved by respondent Nos.1 to 4/claimants.

7. In this view of the matter, the civil application is allowed. Undertaking dated 25.11.2019 furnished by respondent Nos.1 to 4/claimants be accepted by Registry and shall give effect to order dated 1.10.2019.

The civil application stands disposed of accordingly.

JUDGE

!! BRW !!

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