

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

FA NO.743/2009

The New India Assurance Co. Limited, Nagpur

..VS..

Durwesh s/o Kornuji Meshram and ors

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

Court's or Judge's Order

.....
None for the Appellant.

CORAM : V.M.DESHPANDE, J.

DATED : OCTOBER 26, 2021

1. Learned counsel Shri S.N.Dhanagare for the appellant/The New India Assurance Co. Limited is absent. There is no request on his behalf for adjournment.
2. This appeal arises out of judgment and award dated 7.2.2009 passed by learned Chairman, Motor Accident Claims Tribunal, Nagpur in Claim Petition No.87/2003 granting total compensation Rs.1,85,000/- to respondent Nos.1 and 2 on account of death of Harish.
3. On 27.8.2009, this appeal was admitted and *ad interim* Stay was granted in favour of the appellant subject to the appellant's depositing 50% of the decretal amount. Accordingly, amount Rs.42,059/- is deposited.
4. It appears that no order was passed in respect of withdrawal of the said amount.
5. As learned counsel for the appellant is not appearing, the matter will have to be dismissed for want of

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prosecution.

6. Accordingly, the first appeal is dismissed for want of prosecution with a direction that in case an application for restoration of the appeal is filed, Registry shall not accept the said unless the appellant deposits Rs.50,000/- by way of costs to be paid to the original claimants.

7. The claimants are permitted to withdraw the amount of 50% of compensation deposited by the appellant along with accrued interest.

JUDGE

!! BRW !!

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