

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

Civil Application (CAF) No.2502/2019

IN

First Appeal Stamp No.26689/2018

The Bajaj Allianz General Insurance Co. Ltd. **Vs.** Smt. Sangita Wd/o Ghanshyam Shirsagar & Ors.

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

Court's or Judge's Orders

Smt. Mrunal Naik, Advocate for the Appellant.
Shri K.S. Motwani, Advocate for Respondent Nos.1 to 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 22nd FEBRUARY, 2021.

The applicant has sought to condone the delay of 323 days in filing the appeal against the judgment and award dated 19/09/2017 passed by the Claims Tribunal, Bhandara in M.A.C.P. No.42/2011.

In view of the reasons stated in the said application, the application is allowed. Delay is condoned.

The civil application stands disposed of.

Appeal be registered after removing office objections, if any.

Civil Application (CAF) No.2503/2019

Learned Counsel for the applicant states that the entire amount of compensation has been deposited.

In the light of the said statement, execution and implementation of the impugned judgment and award is stayed till

the disposal of the appeal.

The civil application stands disposed of.

Civil Application (CAO) No.152/2021

The applicants, who are the original claimants, have sought withdrawal of amount of the compensation deposited by the Appellant – Insurance Company.

The Appellant has challenged the order mainly on the ground that the deceased was himself negligent. The Appellant has also stated that the exact compensation awarded by the Claims Tribunal is exorbitant.

I have perused the reasons recorded by the Claims Tribunal on the issue of rash and negligent driving. Having considered the evidence on record, the reasons given in the judgment and the grounds raised in the appeal memo, the applicant/respondent Nos.1 to 3 are permitted to withdraw 50% of the compensation awarded by the Claims Tribunal in their favour as per Clause 3, paragraph 17 of the impugned judgment and award dated 19/09/2017, on furnishing an undertaking that they shall refund the amount with interest as determined by the Court, in the event the Appellant succeeds in the appeal.

The civil application stands disposed of.

First Appeal Stamp No.26689/2018

Heard. Arguable points are raised. Hence, admit.

Shri K.S. Motwani, learned Counsel waives service of notice on behalf of respondent Nos.1 to 3.

Call for the record and proceedings.

Paper-book to be filed within six months.

(SMT. ANUJA PRABHUDESSAI, J.)