

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

Civil Application (CAO) No.2195 of 2019

IN

Civil Application (CAF) No.721 of 2019

IN

First Appeal Stamp No.29515 of 2018

The Bajaj Allianz General Insurance Co. Ltd. Vs. Tahemena Pravin Wd/o Arif Mirza Beg &
Others

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

Court's or Judge's Orders

Mrs. Mrunal Naik, Advocate for the Appellant.
Shri B.S. Mandhare, Advocate h/f Shri P.S. Mirache, Advocate for Respondent Nos.1 & 2.
Shri V.G. Wankhede, Advocate for Respondent Nos.6 and 7.

CORAM : S.M. MODAK, J.

DATE : 7th JANUARY, 2021.

This is an application for withdrawal filed by present respondent Nos.6 and 7/original respondent Nos.5 and 6. Out of them, respondent No.6 - Faimida Begam has expired on 26th July, 2019. Copy of death certificate is annexed. Her name is deleted. The appellant may take steps.

There is a prayer for modification of the direction given by the Claims Tribunal, Nagpur for depositing an amount of Rs.50,000/- for a period of five years.

In this appeal, the original respondent No.4/Bajaj Allianz Insurance Company Ltd. is the appellant. Though there is a direction to pay compensation by original respondent Nos.1 and 2, it is not clear whether they have preferred an appeal. It is also not clear whether they have complied with the direction to deposit the amount. If it is clarified, the present respondent Nos.6 and 7 as well as the

original claimants/respondent Nos.1 and 2 will be benefited.

Hence, the present respondent Nos.3 and 4 are directed to clarify whether they have preferred an appeal or whether they have deposited the decretal amount then this application will be decided.

Matter be kept after three weeks.

Civil Application (CAF) No.721/2019

This is an application seeking condonation of delay of 257 days caused in filing appeal challenging the judgment and award passed by the Member, Motor Accident Claims Tribunal-2, Nagpur on 01/09/2017 in Claim Petition No.121/2009.

Respondent No.3 – Dilbagh Singh and respondent No.5 – Vijay Singh though served have not appeared. Rest of the respondents are represented through their respective Advocates.

For the reasons stated in the application, particularly in paragraph No.4 of the application, I am satisfied that the delay is properly explained. Therefore, the delay caused in preferring an appeal is hereby condoned.

The Civil Application stands disposed accordingly. The First Appeal be registered.

First Appeal Stamp No.29515/2018

Heard.

Admit.

Call for record and proceedings.

Issue notice to the respondents for final disposal.

Learned Advocate Shri B.S. Mandhane holding for learned Advocate Shri P.S. Mirache waives notice for respondent Nos.1 and 2.

Learned Advocate Shri V.G. Wankhede waives notice for respondent Nos.6 and 7.

No need to issue fresh notice to respondent Nos.3 and 5 as they have been served earlier through paper publication.

JUDGE