

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 105 OF 2017
WITH
INTERIM APPLICATION NO. 10042 OF 2022
WITH
INTERIM APPLICATION NO. 10043 OF 2022

The New India Assurance Co Ltd .. Appellant
Versus
Sulekhadevi Anil Verma & Ors. .. Respondents

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- Mr. Shrikant M. Dange for the Appellant
 - Mr. T.J. Mendon for the Respondents
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 22, 2022

P.C.:

1. Heard Mr. Dange, learned counsel appearing for appellant and Mr. Mendon, learned counsel appearing for respondents.

2. Interim application No. 10043 of 2022 has been filed by the appellant company for seeking recall of the conditional order dated 10.10.2019 passed by this court to the extent that the appellant was unable to file the private paper book within a period of one year from the date of passing of the said order and for seeking extension of time to file the same.

3. Mr. Dange submitted that the reason for not filing the paper book was due to the restrictions imposed by COVID lockdown. The reasons stated in the application are believable and deserve to be

accepted. This court relies upon the word of Mr. Dange who has also been instrumental in putting to an end to several such cases of compensation during the National Lok Adalat which has been witnessed by me while presiding therein.

4. For the reasons stated in the interim application, the delay of 295 days caused in filing the interim application stands condoned. The time limit granted in clause 4(c) to the appellant to file private paper book, which Mr. Dange assures shall be filed within a period of ten weeks from today stands extended. To that extent the order dated 10.10.2019 stands modified. Interim application No. 10043 accordingly stands disposed of.

5. Interim application No. 10042 of 2022 has been filed by the respondents - claimants for seeking withdrawal of the amount of compensation deposited by the appellant company in the trial court. In response to the application, Mr. Dange in his usual fairness submitted that since the question involved in the present appeal is restricted by the appellant to the issue of grant of interest and which is framed by this court in the order dated 10.10.2019, respondents - claimants may be allowed withdrawal of a sum to the extent of Rs. 8,19,415/- which is the amount of compensation awarded by the trial court. Mr. Dange submitted that the balance amount may be retained until the First Appeal is heard finally by this court. Mr. Mendon has drawn my

attention to the reasons for seeking withdrawal mentioned in the application. The reasons are believable and therefore accepted by the court. For the reasons mentioned in paragraph Nos. 4 and 5 of the application and in view of the stand adopted by Mr. Dange, respondents - claimants are allowed to withdraw the amount of Rs. 8,00,000/- in the interim from the trial court. In case the respondents - claimants make an application for withdrawal of the said amount, such application shall be disposed of within a period of one week from the date of filing of the application. Interim application No. 10042 of 2022 disposed.

6. Liberty to the parties to apply after filing the private paper book for fixing the date of final hearing.

[MILIND N. JADHAV, J.]

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