

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

Civil Application (CAF) No.273/2022

IN

First Appeal Stamp No.5978/2021

National Insurance Co. Ltd. Vs. Surekha Wd/o Madan Giri & Ors.

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

Court's or Judge's Orders

Shri M.A. Kadu, Advocate for the Applicant/Appellant.
Mrs. U.A. Bhattad, Advocate for Respondent Nos.1 & 2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 11th FEBRUARY, 2022.

01] Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

02] The Applicants, who are the original claimants, has filed this application for withdrawal of the compensation deposited by the Appellant/Insurance Company.

03] Having considered the reasons stated in the application, 50% of the compensation deposited by the Appellant/Insurance Company along with proportionate interest accrued thereon be paid to the Respondent Nos.1 and 2 in equal proportion.

04] The civil application stands disposed of.

Civil Application (CAF) No.950/2021

05] By this application, the Applicant/Insurance Company has sought to condone the delay of 509 days in filing the appeal under Section 173 of the Motor Vehicles Act, 1988.

06] Mrs. U.A. Bhattad, learned counsel, who is representing the Respondent Nos.1 and 2 has no objection for condoning the delay. The Respondent No.3 though duly served, has not contested the application.

07] Having considered the reasons stated in the application, which in my considered view constitute sufficient grounds to condone the delay, the delay is condoned. The civil application stands disposed of.

08] Appeal be registered after removing office objections, if any.

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09] Heard.

10] **Admit.**

11] Call for the record and proceedings.

12] Mrs. U.A. Bhattad, learned counsel waives service on behalf of the Respondent Nos.1 and 2.

13] Issue notice to the Respondent No.3.

14] Private paper-book to be filed within six months.

(SMT. ANUJA PRABHUDESSAI, J.)