

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

Civil Application [CAF] No.1492 of 2020

in

First Appeal St. No.5407 of 2020

Reliance General Insurance Co. Ltd.

vs.

Farin Bi wd/o Mazhar Khan & others

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

Court's or Judge's Orders

Mr. D.N. Kukday, Advocate for the Applicant/Appellant.
Mr. P.S. Gawai, Advocate for Respondent Nos.1 to 6.

CORAM : S.M. MODAK, J.

DATE : 17th JUNE, 2022.

Heard the learned Advocate for the applicant/appellant and the learned Advocate for respondent Nos.1 to 6/original claimants.

02] There is a delay of 185 days in preferring an appeal. It was on account of complying with the office procedure. The reason is convincing.

03] Hence, the delay is condoned. The application is allowed and disposed of accordingly.

First Appeal St.No.5407/2020:

Heard.

02] Issue notice to the respondents.

03] Learned Advocate Mr. Gawai waives notice on behalf of respondent Nos.1 to 6.

04] Respondent Nos.7 and 8, who are the driver and owner of the offending vehicle respectively, have already been served. Therefore, no fresh notices be issued to them.

05] **Admit.**

06] Call for record and proceedings. Private paper-book to be filed within six months.

Civil Application [CAF] No.1493/2020 :

As the appellant has deposited the entire award amount, the stay granted earlier be continued till final disposal of the appeal.

02] The application is disposed of.

Civil Application [CAF] No.1036/2022 :

Heard both the sides.

02] Respondent Nos.1, 5 and 6 are the wife and parents and respondent Nos.2 to 4 are the minor children. The Tribunal has apportioned the amount amongst the claimants and also directed the amount coming to the share of respondent Nos.2 to 4 be kept in fixed deposit till they attain the majority. Whereas, 50% from the amount coming to the share of respondent Nos.1, 5 and 6 is to be deposited in a fixed deposit for five years.

03] Considering the reasons stated in the application, respondent Nos.1, 5 and 6 are permitted to withdraw 75% of the amount coming to their share as apportioned by the Tribunal. The Office is directed to deposit remaining amount in fixed deposit. So far as the minors respondent Nos.2 to 4 are concerned, interest coming to their share as per the apportionment be credited to the bank account of respondent No.1.

04] The application is disposed of accordingly.

JUDGE

**sandesh*