

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

CIVIL APPLICATION (CAF) NO. 1086 OF 2022
IN
FIRST APPEAL NO. 1302 OF 2017 (D)

The New India Assurance Co. Ltd. Nagpur

...VERSUS...

Nageshwari @ Kavita Wd/o. Suresh Raut and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Kunal Mirache, Advocate h/f. Shri P.S.Mirache, Advocate for respondent nos.
1 to 4.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 20th August, 2022.

The present application is filed by respondent nos. 1 to 4 for grant of permission to withdraw the remaining amount of compensation.

2. It appears in First Appeal No. 1302 of 2017, four months' time was granted by this Court on 08/02/2019 for filing of paper book and further directed that if the paper book is not filed within said period, the appeal shall stand dismissed without reference to the Court. Accordingly, the appeal came to be dismissed at the end of 07/06/2019 for non-compliance of order dated 08/02/2019.

3. In spite of dismissal, since 07/06/2019, no steps were taken for restoration of the same. Therefore, the applicant is entitled for withdrawal of remaining amount of compensation.

50% of amount of compensation is already allowed to be withdrawn by this Court. As such, I pass the following order:-

ORDER

- i) The application is allowed.
- ii) Respondent nos. 1 to 4 are entitled to receive the remaining amount of compensation deposited by the appellant company in this Court along with accrued interest.
- iii) Registry is directed to disburse the remaining amount of compensation along with accrued interest in the share of respondent no. 1 to 3 in their joint account and also disburse the said amount in the share of respondent no. 4 in her separate account, on furnishing bank details.
- iv) The application is disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar