

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

CIVIL APPLICATION (CAF) NO. 1650 OF 2022
IN
FIRST APPEAL NO. 544 OF 2014 (D)

The Oriental Insurance Co. Ltd. thr. its Divisional Manager, Amaravati

...**VERSUS**...

Purushottam Namdeorao Gopal (Gaupal) and ors.

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

Court's or Judge's order

Shri W.G.Paunikar, Advocate for appellant.
Shri P.S.Patil, Advocate for respondent nos. 1 and 2.

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

DATE : 06th September, 2022.

It appears that the First Appeal was dismissed in default. Thereafter, there were applications moved for restoration of First Appeal as well as condonation of delay in filing the application for restoration of First Appeal. On submissions, vide order dated 25/3/2022 passed by this Court, both the applications were disposed of as not pressed. In view thereof, there is no impediment in allowing the application for grant of permission to withdraw the amount. The respondent nos. 1 and 2 were already allowed to withdraw the amount of Rs. 1,00,000/-. The balance amount is lying with this Court.

2. Now, it is informed by the learned counsel for the applicant/ respondent nos. 1 and 2 that respondent no. 1 is expired on 07/06/2018 i.e. after dismissal of First Appeal. Therefore, there was no occasion to delete his name, as the subsequent applications are also withdrawn. Accordingly, his name could not be deleted.

3. It is further informed that now respondent no. 2 is the only claimant and therefore, the amount in the share of respondent no. 1 also needs to be disbursed in favour of respondent no. 2 in addition to her own share. The learned counsel for respondent nos. 1 and 2 is directed to file pursis about the death of respondent no. 1 during the course of the day. Accordingly, the application is allowed.

4. Registry is directed to disburse the balance amount deposited by the appellant company along with accrued interest in the account of respondent no. 2 on furnishing her bank details.

5. The application stands disposed of.

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

B.T.Khapekar