

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

CIVIL APPLICATION (CAF) NO. 1834 OF 2022
AND
CIVIL APPLICATION (CAF) NO. 1835 OF 2022
AND
CIVIL APPLICATION (CAF) NO. 1836 OF 2022
IN
FIRST APPEAL NO. 124 OF 2021

The Oriental Insurance Company Ltd. thr. Regional Manager, Nagpur

...VERSUS...

Smt. Rupali Wd/o. Deochand Datir 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 T.A.Mirza, Advocate h/f. Shri A.M.Quazi, Advocate for appellant.
Shri U.J.Deshpande, Advocate for respondent i.e. R-1 to 3, R-4(i) to 4(viii) & 5.

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

DATE : 18th August, 2022.

The present applications are filed for setting aside abatement against respondent no. 4 and for condonation of delay in bringing legal heirs of respondent no. 4 as well as for grant of permission to bring legal heirs of respondent no. 4 on record respectively.

2. Shri U.J. Deshpande, learned counsel appearing for respondent i.e. R-1 to 3, R-4(i) to 4(viii) & 5 has no objection to allow the present applications.

3. In view thereof, abatement against respondent no. 4 is set aside, delay in bringing legal heirs of respondent no. 4 is hereby condoned and appellant is permitted to bring legal heirs of respondent no. 4 on record.

4. The necessary amendment be carried out within one week.

5. Shri U.J. Deshpande, learned counsel waives notices for legal heirs of respondent no. 4 i.e. for R-4(i) to 4(viii).

CIVIL APPLICATION (CAF) NO. 1607 OF 2022

The present application is filed by respondent nos. 1 to 5/claimants for grant of permission to withdraw the total amount of Rs. 1,15,92,533/- which is deposited by the appellant along with accrued interest.

2. For the reasons stated in the application, it would be appropriate to allow the respondent nos. 1 to 5/claimants to withdraw 50% of amount which is deposited by the appellant along with accrued interest. Accordingly, the application is partly allowed.

3. The respondent nos. 1 to 5/claimants are permitted to withdraw 50% of amount along with accrued interest.

4. As per the award, the claimants are entitled equally to the compensation amount. In view of the fact that respondent/claimant nos. 2 and 3 are minor, therefore, 40% of amount in the share of respondent/claimant nos. 2 and 3 are hereby directed to invest in any nationalized bank. The respondent/claimant no. 1 is entitled to receive the interest quarterly on the said investment.

5. Learned counsel for respondent nos. 1 to 5/claimants to place on record the copies of investment of amount so made.

6. Accordingly, the application is disposed of.

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