

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 303 OF 2023
WITH
CIVIL APPLICATION NO.4956 OF 2016

The New India Assurance Co. Ltd. Through
The Manager, ...Appellant
Versus
Mr. Sambhaji Shankar Naikare And Ors. ...Respondents

WITH
FIRST APPEAL(ST) NO. 19875 OF 2016
WITH
CIVIL APPLICATION NO.4959 OF 2016
WITH
CIVIL APPLICATION NO. 4960 OF 2016

The New India Assurance Co. Ltd. Through
The Manager, ...Appellant
Versus
Mr. Sambhaji Shankar Naikare And Ors. ...Respondents

Ms. Jyoti Bajpayee for the Applicant.
Mr. Mahindra Deshmukh for the Respondent Nos. 1 to 3.

CORAM : RAJESH S. PATIL, J.

DATED : 11th SEPTEMBER, 2023

P.C.:

CIVIL APPLICATION NO.4959 OF 2016

1. This Civil Application is filed for condoning the delay

in filing the First Appeal.

2. There is a delay of 50 days in filing this application. The counsel for Respondent Nos.1 to 3 opposes the application.

3. I have gone through the contents of the application and I am satisfied that the appellant has made out a case to condone the delay. Hence, Civil Application is allowed in terms of prayer clause (a).

4. The Civil Application stands disposed of.

FIRST APPEAL(ST) NO. 19875 OF 2016

1. The learned Advocate for Respondent Nos. 1, 2 and 3 informed that Respondent No.1 has died and his legal heirs are already on record as Respondent Nos. 2 and 3. Accordingly, the learned advocate for the Appellant is directed to delete the name of Respondent No.1 and to show Respondent Nos.2 and 3 as legal heirs of Respondent No.1.

2. Amendment to be carried out forthwith.

CIVIL APPLICATION NO.4956 OF 2016

1. This Interim Application seeks stay to the execution, implementation or operation of the order and judgment of impugned judgment and order dated 5 January, 2016 passed in MACP No.85 of 2012.

2. Applicants are directed to deposit the entire decretal amount in this Court within a period of four weeks.

3. On deposit of decretal amount there shall be stay of the execution, implementation or operation of the impugned judgment

and order dated 5 January, 2016, till disposal of the Appeal.

4. Liberty to the claimant to file application for withdrawal of the amount.

CIVIL APPLICATION NO.4960 OF 2016

1. The learned counsel for the insurance company states that if reasonable proposal is given to her client by the Claimant, her Client will consider to settle this matter out of the Court. The learned counsel for the claimant states that he will take instructions and revert back to the Insurance Company within a period of one week from today.

(RAJESH S. PATIL, J.)