

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

CIVIL APPLICATION (CAF) NO.1053 OF 2021

IN

FIRST APPEAL STAMP NO.5949 OF 2021

Reliance General Insurance Co. Ltd, through the Executive Legal, Nagpur

Vs.

Savita Gangadhar Sontakke and others

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

Court's or Judge's orders

Mr. D. N. Kukday, Advocate for appellant.

Mr. Samir S. Das, Advocate for respondent Nos.1 to 3.

Mr. M. L. Vairagade, Advocate for respondent Nos.4 and 5.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 27/04/2023

1. Present application is for condonation of delay which is caused in preferring the appeal against the Judgment and Award passed by the Motor Accident Claims Tribunal, Kelapur in M.A.C.P No.15/2014.

2. Heard learned Advocate Mr. Kukday for the appellant. He submitted that as the appellant has to obtain the approval from the higher officials, the office at Nagpur forwarded the papers for obtaining the approval however, approval was not received within time, therefore delay of 33 days is caused in preferring the appeal.

3. The said application is strongly opposed by the learned Advocate Mr. Das for the respondent Nos.1 to 3 on the ground that delay is not properly explained.

Learned Advocate Mr. Vairagade waives notice for respondent Nos.4 and 5. He endorsed the same contention.

4. Considering that the appellant is the Insurance Company who has to obtain the necessary approval before preferring the appeal, the reason mentioned in the application appears to be just and reasonable one. In view of that, delay deserves to be condoned and accordingly delay is condoned.

5. Civil Application is disposed of.

6. Appeal be registered.

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1. Heard.

2. **Admit.**

3. Learned Advocate Mr. Das waives notice for respondent Nos.1 to 3.

4. Learned Advocate Mr. Vairagade, waives notice for respondent Nos.4 and 5.

5. Call for record and proceeding.

6. Appellant to file paper book within ten weeks, after receipt of the record and proceedings.

7. Appeal be placed after filing of the paper book, its verification, as per its own turn.

Civil Application (CAF) No.1248/2023

1. Present application is for seeking permission for withdrawal of the amount by the respondent Nos.1 to

3 on the ground that they have lost their bread earner in the alleged accident. As they have not received the compensation amount though award is passed in their favour. They are starving. They are in need of dire money.

2. The said application is strongly opposed by the learned Advocate Mr. Kukday for the appellant on the ground that the compensation awarded is excessive and exorbitant one. Moreover, the Insurance Company has raised some statutory defences. Considering the ground mentioned in the application and the objection raised at this stage, it will be appropriate to permit the respondent Nos.1 to 3 to withdraw 50% of the amount along with the accrued interest on usual undertaking on due identification and verification.

3. In view of that, civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate