



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8515 OF 2024
IN
CIVIL FIRST APPEAL NO. 1612 OF 2016

Mr. Balbhim Baburao Sankpal
Since Died Thr. Lrs. 1a) Smt.
Seema Balbhim Sankpal And Ors. ...Applicants
vs.
The New India Assurance Company ...Respondent

ALONGWITH
CROSS OBJECTION (ST) NO. 10404 OF 2017
IN
CIVIL FIRST APPEAL NO. 1612 OF 2016

(NOT ON BOARD. TAKEN ON BOARD)

Amol Gatne i/by Mrs. Swati Uday Mehta	Advocate for the Applicant in IA 8515 of 2024
Mr. Devendranath S. Joshi	Advocate for the Appellant/Respondent through VC

CORAM : S. M. MODAK, J.

DATE : 20th AUGUST 2024

P. C. :-

1. Today appeal is fixed for hearing the application for withdrawal of an amount. This is second withdrawal application. An Appeal is filed by Insurance Company. So also there is cross objection by the

Claimant for enhancement i.e. Cross Objection (ST) No. 10404 of 2024. It is not on board. **It is taken on board.**

2. They are asking for enhanced compensation to tune of Rs. 30 crores. There is an objection to maintainability of this cross objection before the learned Single Judge. Learned Advocate Mr. Gatne on the basis of the instructions prays for an amendment in his cross-objection, so as to lower down the compensation. So that it will come within the pecuniary jurisdiction of the learned Single Judge.

3. The learned Advocate for the Applicant is permitted to do necessary correction in the cross-objection forthwith and to serve copy to learned Advocate Mr. Joshi.

4. Learned Advocate Mr. Gatne prays for passing some order on second interim application for withdrawal. It is submitted that earlier both the sides have arrived at settlement and also signed it. But for some reason, it could not be tendered before the Lok Adalat. Thereafter also, it could not be tendered in the Court, either because the Insurance Officer is transferred or because of lapse of time and the Respondents were not ready.

5. Let learned Advocate Mr. Joshi to keep officer of the Appellant-

Insurance Company present in the Court on the next date. If nothing works out, certainly this application for withdrawal can be considered.

6. Matter be kept on **03rd September 2024, high on board.**

[S. M. MODAK, J.]