

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL STAMP NO. 5586 OF 2015
WITH
CIVIL APPLICATION NO. 1206 OF 2015 (Delay)**

United India Insurance Company Limited ... Appellant
Versus
Shital Ganesh Raut and Ors. ... Respondents

**WITH
INTERIM APPLICATION NO. 10916 OF 2024 (withdrawal)
IN
FIRST APPEAL STAMP NO. 5586 OF 2015**

Shital Ganesh Raut and Ors. ... Applicants

IN THE MATTER OF :

United India Insurance Company Limited ... Appellant
Versus
Shital Ganesh Raut and Ors. ... Respondents

.....

Mr. Nikhil Mehta i/b. KMC Legal Venture, Advocate for the Appellant-Insurance Company.
Mr. T. J. Mendon, Advocate for Respondent Nos. 1 to 4 in FA(st). 5586/2015 and for Applicants in IA/10916/2024.

CORAM : ARUN R. PEDNEKER, J.

DATED : 29th JULY, 2024.

P.C. :

CIVIL APPLICATION NO. 1206 OF 2015

1. For the reasons stated in the application, the delay of 14 days in filing the appeal is condoned.
- 2 Civil Application No. 1206 of 2015 is disposed of.

INTERIM APPLICATION NO. 10916 OF 2024

3. Heard learned counsel for the parties.
4. The present appeal is filed on the ground of negligence and so also on the ground of computation of income.
5. In the instant case, the evidence of negligence is only the chargesheet which is filed against the driver of insured vehicle and there is no independent evidence. The income is based on the income tax returns filed by the deceased.
6. In view of the same, I permit the major applicants to withdraw 75% of the amount which is deposited before the Tribunal along with accrued interest thereon till date (including earlier amount withdrawn by the applicants) subject to filing of usual undertaking to the satisfaction of the Presiding Officer of the Tribunal.
7. The amount of the minor and balance amount of the other claimants be kept in fixed deposit in any nationalised bank. The amount granted today will include the earlier amount granted by this Court in the order dated 20.03.2015.
8. The appeal is admitted.
9. Mr. Mendon waives service for respondent Nos. 1 to 4.

(ARUN R. PEDNEKER, J.)