



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

CIVIL APPLICATION (CAF) NO. 1601 OF 2023
IN

FIRST APPEAL (ST) NO. 9576 OF 2023

Tata AIG General Insurance Co. Ltd.

Vs.

Satyanarayan S/o. Nandalal Tiwari and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri H. N. Verma, Advocate for applicant.

Shri D. S. Khushalani, Advocate for non-applicant no. 1 (through VC).

CORAM :- M. W. CHANDWANI, J.

DATED :- 12.06.2024

By this application, the applicant is seeking condonation of delay of 92 days in preferring the appeal.

2. The learned counsel for non-applicant no. 1 has no objection for the same.

3. For the reason mentioned in application, the application is allowed.

4. The delay of 92 days caused in preferring the appeal is hereby condoned. The appeal be registered.

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5. Heard.

6. Issue notice to the respondents for final hearing at the admission stage.

7. Shri D. S. Khushalani, learned counsel waives service of notice for respondent no. 1.

8. Stand over three weeks.

CIVIL APPLICATION (CAF) NO. 76 OF 2024

9. By the present application, respondent no. 1 seeks to withdraw an amount of Rs.6,01,342/- deposited by the appellant under the directions of this Court.

10. The application is opposed by the learned counsel for the appellant on the ground that the appellant has good chance to succeed in the appeal. According to him, the medical bills have not been proved as well as the calculation is made by the Tribunal as such 45% of the entire body is disabled. In fact, 60% of the particular part of the body became disabled in the incident.

11. Considering the submissions of the respective counsel coupled with the fact that an amount of Rs.5,89,553/- have been given towards medical expenses, in my view following order will suffice the purpose:-

i) The respondent no. 1 is permitted to withdraw an amount of Rs.4,00,000/- (Rs. Four Lakhs) deposited with this Court.

ii) The application is disposed of accordingly.

(M. W. CHANDWANI, J.)