



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

CIVIL APPLICATION (CAF) NO. 1533 OF 2024

IN

FIRST APPEAL ST. NO. 10006 OF 2024

THE NEW INDIA INSURANCE CO. LTD.

Vrs.

SUHASINI NARENDRA BAHURUPI AND OTHERS

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

Court's or Judge's Order

Ms. S. H. Bhatia, Advocate for applicant/appellant.
Shri P. R. Agrawal, Advocate for respondent Nos.1 to 4.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 18/12/2024.

1. The respondent No.5 is died as per the baillif's report.
2. The applicant is directed to delete the name respondent No.5 as prayed from the array of this application as well as Memo of Appeal.
3. Amendment be carried out today itself.
4. This is an application for condonation of delay of 229 days caused for filing appeal.
5. Perused the application.
6. Heard learned Advocates for both sides.
7. Learned advocate for the applicant pointed out that the delay has been caused because of processing of the application in the office of applicant. Delay is not deliberately caused. It is lastly prayed to allow the application.
8. Considering the reasons stated in the application, delay is caused for processing the proposal for

filing the appeal. It appears that delay is not deliberately caused. Application deserves to be allowed. Delay is condoned subject to deposit of costs of Rs.500/- in the office of Vidarbha Lady Lawyers' Association, Nagpur within three weeks.

9. Learned advocate for the applicant submits that the cheque was deposited as per the directions of this Court. However, it has been returned back.

10. Learned advocate for the applicant submits that Registry be directed to accept the fresh cheque which is ready.

11. Registry is directed to accept the cheque on or before 20/12/2024.

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12. This is an application for permission to withdraw the amount of compensation.

13. Learned advocate for the appellant submits that cheque of Rs.69,40,630/- is ready for depositing the amount.

14. Considering the facts and circumstances of the case, the application deserves to be partly allowed as under :-

i] Registry is directed to pay 75% amount as under :-

a] Amount of share of respondent No.5 – Manutai Vasantrao Bahurupi be paid to the respondent Nos.1 to 4 in equal proportion. Out

of total amount deposited, Rs.10,00,000/- be deposited in the name of respondent No.2 - Yashwant Narendra Bahurupi and respondent No.3 – Mohini Narendra Bahurupi, who are minors for five years in any of the Nationalized Bank.

b] Amount of Rs.5,00,000/- be paid to respondent No.4 – Vasantrao Govindrao Bahurupi on usual undertaking and remaining amount be paid to respondent No.1 – Suhasini Narendra Bahurupi.

c] Rs.10,00,000/- be paid on executing solvent surety / security and remaining amount be paid on execution of usual undertaking along with accrued interest thereon to the respondent No.1.

Application is disposed of.

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15. Issue notice to the respondents.
16. Call for Record and Proceedings.
17. Shri P. R. Agrawal, learned advocate waives service of notice for respondent Nos.1 to 4.
18. Stand over after five weeks.

[SANJAY A. DESHMUKH, J.]