



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

CIVIL APPLICATION (CAF) NO. 2390 OF 2024

IN

FIRST APPEAL ST. NO. 16499 OF 2024

ROYAL SUNDARAM GEN. INS. CO. LTD.

Vrs.

RAMILA BEGAM MOHD. ISLAM 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/appellant.
Shri Asghar Hussain, Advocate for respondent Nos.1 to 5.

CORAM: SANJAY A. DESHMUKH, J.

DATE : 16/12/2024.

1. This is an application for condonation of delay of 87 days caused for preferring the appeal.
 2. Perused the application.
 3. Heard learned Advocates for both sides.
 4. On perusal of reasons stated in the application, delay is not deliberately caused. If the delay is condoned, no prejudice would cause to the respondents.
 5. The application deserves to be allowed. Delay of 87 days is condoned.
 6. Application is allowed and disposed of.
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7. This is an application for permission to withdraw 80% amount.
 8. Perused the application.
 9. Heard learned Advocates for both sides.

10. Learned advocate for the respondent Nos.1 to 5 submits that earning of deceased person in vehicular accident is not proved by cogent and acceptable evidence. Considering the discrepancy in the evidence, he therefore, objected to pay 80% amount.

11. At this stage, this Court cannot enter into the premises of merit.

12. Considering the peculiar set of facts, it would be proper to partly allow this application as under :-

i] Application is partly allowed.

ii] Registry is directed to pay 60% amount on usual undertaking along with accrued interest thereon to the claimants.

13. Application is partly allowed and disposed of.

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14. Issue notice for final disposal to the respondents.

15. Shri Asghar Hussain, learned advocate waives service of notice for respondent Nos.1 to 5.

16. Call for Record and Proceedings.

17. Filing of paper book is dispensed with.

[SANJAY A. DESHMUKH, J.]