

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

**FIRST APPEAL (ST) NO. 35518 OF 2023
ALONGWITH
INTERIM APPLICATION NO. 10611 OF 2024**

New India Assurance Co. Ltd.
Thr. Its Manager

...Appellant

Vs.

Smt. Savita Devi Nunulal Shah and Ors.

...Respondents

Adv. Dhanashree Padwal i/by Adv. Suresh R. Padwal	Advocate for the Appellant
Mr. Yogendra Pendse	Advocate for the Respondents on VC

CORAM : S. M. MODAK, J.

DATE : 26th SEPTEMBER 2025

P. C. :-

1. Heard learned Advocate for the Appellant-Insurance Company and learned for Respondent Nos. 1 and 2-Claimants. Respondent No. 3 is employer/insured. Notice is not served on him. There is a delay of 105 days.
2. For the reasons stated in the application, the delay is condoned.

The Interim Application No. 10611 of 2024 is disposed of.

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3. Heard learned Advocate for the Appellant and learned Advocate for the Respondent Nos. 1 and 2.

4. Issue notice to the Respondent No. 3/Employer/insurer, returnable on 15th October 2025. Additionally, private notice is allowed and service affidavit be filed.

5. I have seen the impugned award. Now the Appellant/Insurance Company is only challenging the order thereby making the insurance company liable to pay interest @ 12% from the date of accident alongwith penalty. According to her, the Insurance Company cannot be fastened with some liability. She places reliance on the observation in case of *The Managing Director, Kunnel Engineers and Contractors Pvt. Ltd. Vs. The Divisional Manager, The New India Assurance Company Ltd. and Anr.*, passed in Civil Appeal No. 8064 of 2011, dated 03.05.2023 by the Hon'ble Supreme Court.

6. According to learned Advocate Mr. Pendse, this issue is pending before the Hon'ble Supreme Court. He needs some time to place on record the relevant orders.

7. Stand over 15th October 2025, high on board.

[S. M. MODAK, J.]