

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

**FIRST APPEAL (ST) NO. 98425 OF 2020
ALONGWITH
INTERIM APPLICATION NO. 15815 OF 2024**

The New India Insurance Co. Ltd.
Mumbai

...Appellant

Vs.

Shri Dindayal Shankarlalaji
Pawar (Father of the deceased) and
Ors.

...Respondents

**ALONGWITH
INTERIM APPLICATION NO. 12021 OF 2025
IN
FIRST APPEAL (ST) NO. 98425 OF 2020**

Shri Dindayal Shankarlalaji
Pawar (Father of the deceased) and
Anr.

...Applicants

Vs.

The New India Insurance Co. Ltd.
Mumbai and Anr.

...Respondents

Adv. Rajesh Kanojia a/w Adv. Prachi Pawar i/by Res Juris	Advocate for the Appellant-Insurance Co
Dindayal Shankarlalaji Pawar -Respondent in -person	

CORAM : S. M. MODAK, J.

DATE : 26th SEPTEMBER 2025

P.C. :-

INTERIM APPLICATION NO. 12021 OF 2025

1. Heard Applicant No. 1, who is Claimant No. 1 in-person and also heard learned Advocate Shri Kanojia for Respondent No. 1- Insurance Company/Appellant.

2. Applicant No. 1 wants modification or vacation of the order dated 10.10.2024 (Coram:- Shri S. M. Modak, J.) and he wants restoration of the order dated 07.05.2024 passed by learned Registrar (Judicial). I have read the order dated 07.05.2024. Learned Registrar has granted two weeks time to remove office objections and if they are not removed, registration of the First appeal alongwith Interim Application will stand refused. Whereas this Court on 10.10.2024 on the interim application filed by the Appellant-Insurance Company has set aside the said order. It was set aside on the following grounds :-

- (i) The objection about payment of the deficit court fees, the Appellant was granted two weeks' time to pay deficit court

fees.

(ii) Another office objection was in respect of variance in the address of the Insurance Company in Appeal memo. The address mentioned in the appeal memo is of the office address at Vasai and second is of the office at World Trade Centre, whereas in the award, the address of the insurer is mentioned only at Vasai and not at World Trade Centre. This Court has observed that this cannot be treated as variance. But in fact address at World Trade Center was additional address alongwith Vasai address.

3. Truly speaking, this cannot be subject of the office objection. The department has taken too technical views. That is why, this Court has restored the proceeding of the appeal.

4. The Applicant No. 1 wants restoration of the Registrar's order and modification of the order dated 10.10.2024. Even he has approached the Hon'ble Supreme Court by way of special leave, it was rejected and it was disposed of and liberty was granted to move before this Court. The Applicant No. 1 in-person tried to submit there is some difference in between copy of the order dated 07.05.2024

collected by him and copy of the said order annexed to the interim application filed by the Insurance company which was allowed. I have seen both of them. The copy which Insurance Company has annexed is downloaded copy from the website. So there is no merit in the objection. It is rejected. I find no merit in the application. It is dismissed.

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5. Notice to the Respondent No. 3-owner of the offending vehicle is already dispensed with. Now the matter is ready for final hearing. The compilation filed on behalf of the Insurance company is taken on record. The copy supplied to the other side.

6. Learned Advocate Mr. Kanojia has invited my attention to the description of the documents as per compilation. According to him, he has filed all the documents which are relevant for hearing the appeal, because according to him, the Claimants have filed various documents but all are not relevant for hearing the appeal. The reason is he is restricting his ground only to the quantum of compensation. The Respondent No. 1 should verify all these documents. He submitted that he does not want to place on record any other documents.

7. Matter be kept on **10th October 2025** for final hearing, first on board. It is treated as Part heard.

[S. M. MODAK, J.]