

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.2601 OF 2024 IN
FIRST APPEAL ST. NO.2430 OF 2024

Cholamandalam MS General Insurance Co. Ltd.

..vs..

Mahadeo Rajaram Bhorkade and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M. Kukday, Advocate for the applicant.
Shri G.R. Kothari, Advocate for respondent nos. 1 to 3.

CORAM: SANDIPKUMAR C. MORE, J.
DATE : 14/01/2025.

Heard rival submissions.

2. The application is filed for condonation of delay of 219 days in filing First Appeal against judgment and award dated 29.03.2023 passed in M.A.C.P. No.3/2017.

3. The learned Counsel for the respondents/Claimants strongly opposed the application by pointing out that entire amount of compensation along with the interest is not deposited by the Applicant/Insurance Company.

4. However, it appears that the applicant has deposited the substantial amount of compensation. As such, considering the reasons stated in the application and in the interest of justice, the application stands allowed and the delay is condoned.

5. The application is disposed of.

6. The appeal be registered on removal of all the office objections, if any.

CIVIL APPLICATION NO.102/2025

7. Heard rival submissions.

8. The respondent nos.1 to 3, who are the Original Claimants, have filed this application for withdrawal of compensation amount deposited by the Appellant/applicant- Insurance Company, and also for direction to deposit balance amount of compensation.

9. Though the learned Counsel for the appellant/Insurance Company strongly opposed the application for such withdrawal, but considering the quantum of compensation, it would be proper to grant permission to respondent nos. 1 to 3 to withdraw partial amount of compensation.

10. Further, the learned Counsel for the appellant/Insurance Company pointed out that as per his calculation, he has deposited entire amount of compensation along with the interest. However, there may be certain mistake in such calculations, and the balance amount as claimed by the respondent nos. 1 to 3, can be verified and then deposited.

11. Under such circumstances, the application is partially allowed and the respondent nos.1 to 3 are permitted to withdraw amount of Rs.10,00,000/- at this juncture.

12. The aforesaid amount be disbursed among the respondent nos.1 to 3 in equal proportion. The remaining amount be invested in FDR in any nationalized bank on yearly renewal basis during the pendency of this Appeal.

13. The learned Counsel for the appellant/Insurance Company undertakes to deposit the balance amount of compensation, if any, within four weeks.
14. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

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