



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

CIVIL APPLICATION NO.857 OF 2024 AND
MISC. CIVIL APPLICATION ST. NO. 1180 OF 2024 IN
FIRST APPEAL NO.860 OF 2022(D)

The Divisional Manager, United India Insurance Co. Ltd.

..vs..

Pawankumar s/o Shankar Birha (Dead) 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 B.P. Bhatt, Advocate for the appellant.
Shri K.P. Mirache, Advocate for respondent no. 2.

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

Heard rival submissions.

2. The Civil Application is filed for condonation of delay in filing the restoration of First Appeal No.860/2022, which was dismissed on 30.08.2023 for non filing of paper-book, whereas the Misc. Civil Application is filed for restoration of the First Appeal.

3. Though the applications are opposed, but considering the statutory right of the Insurance Company, both applications stand allowed in terms of their respective prayers. The delay of 54 days stands condoned and First Appeal no.860/2022 is restored back to its original stage.

4. Both applications stand disposed of accordingly.

5. The learned Counsel for the appellant/Insurance Company is directed to file a paper-book within one week.

CIVIL APPLICATION NO. 2584/2024

6. Heard rival submissions.

7. The respondent no.2/Claimant has filed this application for withdrawal of entire amount of compensation, which is Rs.14,36,682/- through his guardian Shankar Dashrath Birha along with the accrued interest thereon.

8. The learned Counsel for the appellant/Insurance Company strongly opposed the application for such withdrawal on the ground that the appellant would succeed in the appeal.

9. However, it is to be noted that respondent no.2/Claimant is still minor and it would not be appropriate to release the amount of compensation for his maintenance to his natural guardian Shankar Birha.

10. At the most, the amount of compensation deposited by the appellant/Insurance Company can be deposited in FDR and the guardian be allowed to withdraw periodical interest for maintenance of respondent no.2.

11. As such, the application stands rejected at this juncture with a direction to invest the amount of compensation deposited by the appellant/Insurance Company in the name of respondent no.2 in FDR at any Nationalized Bank and the guardian Shankar Birha of respondent no. 2 is permitted to withdraw quarterly periodical interest thereon for maintenance of respondent no.2.

12. The said guardian is directed to maintain

account in respect of utilization of such amount of interest.

13. Accordingly, the application stands disposed of.

14. Stand over to 11.02.2025.

(SANDIPKUMAR C. MORE, J.)

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