



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

**CIVIL APPLICATION (CAO) NO. 370 OF 2025
AND
MISC. CIVIL APPLICATION ST NO. 7250 OF 2025
AND
CIVIL APPLICATION (CAF) 790 OF 2025
IN
FIRST APPEAL NO. 1254 OF 2016(D)**

(Bajaj Allianz General Insurance Co Ltd Vs. Smt. Preeti wd/o Sunil Nagle and ors)

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

Court's or Judge's orders

Mr. D.N. Kukday, Advocate for appellant.
Mr. N.S. Khubalkar, Advocate for respondent Nos 1 to 4

CORAM : ABHAY J. MANTRI, J.

DATED : 11-08-2025

Heard.

2. The appellant/applicant has filed these applications to condone the delay caused in filing the restoration application and to restore the appeal to its original position, which was dismissed for non-supply of the paper book within the stipulated time, for which learned counsel for respondent nos. 1 to 4 has objected.

3. It is submitted by learned counsel for appellant that the paper book is ready and will file the same in Court within one week. His statement is accepted.

4. Having considered the reasons disclosed in the applications and the fact that the appeal was dismissed for non-supply of paper book and learned counsel for appellant is ready to supply the same within a week, I am of the view that the delay is required to be condoned. The appellant shall be permitted to contest the appeal on merit. As such, the applications are allowed. Delay of 774 days is condoned, subject to a cost of Rs. 2,000/- to be paid to the High

Court Bar Association Library, within two weeks. On deposit of the costs, the appeal be restored to its original position.

CIVIL APPLICATION (CAF) NO. 790 OF 2025

The respondents Nos. 1 to 4/applicants have filed this application to permit them to withdraw the balance compensation amount lying in this Court along with interest accrued thereon, for which learned counsel for the appellant has objected.

2. It appears that earlier the appeal was dismissed for non-supply of a paper book; however, today, the appeal is restored to its original place.

3. Having considered this fact and the reasons disclosed in the application as well as having gone through the impugned judgment and order, in my opinion, it would be appropriate to permit the applicants to withdraw a further amount of Rs. 21,00,000/- (without interest). Accordingly, the application is partly allowed.

4. It appears that applicant Nos. 2 and 3 are minors and therefore, the amount of their share is to be invested in any Nationalised Bank as per clause 6 of the impugned judgment and order. The applicants/respondents Nos. 1 and 4 are entitled to withdraw their share as per the Award out of an amount of Rs. 21,00,000/- (without interest).

5. Registrar (J) is directed to transmit a proportionate amount to the share of applicant Nos. 1 and 4, in their bank account of as per the Award, to the extent of their share out of Rs. 21,00,000/- (without interest), within six weeks, on their furnishing usual undertaking and bank account details to the Registry. The application is disposed of.

Belkhede

(ABHAY J. MANTRI, J.)