



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

CIVIL APPLICATION (CAF) NO 1374 OF 2025

AND

CIVIL APPLICATION (CAF) NO 2275 OF 2025

AND

CIVIL APPLICATION (CAF) NO 3012 OF 2024

IN

FIRST APPEAL STAMP NO. 10323 OF 2024

(The New India Assurance Co. Ltd vs. Ashwini Mangesh Mhatre and ors)

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

Court's or Judge's orders

Ms. S.H. Bhatia, Advocate for applicant/appellant.
Mr. A.V. Deshmukh, Advocate for respondent Nos. 1 and 2.
Mr. V.A. Kothale, Advocate for respondent No. 3.

CORAM : ABHAY J. MANTRI, J.

DATED : 01-07-2025.

CIVIL APPLICATION (CAF) NO 1374 OF 2025

AND

CIVIL APPLICATION (CAF) NO 2275 OF 2025

Heard.

2. Applicant/respondent No. 1, the widow of the deceased, moved an application No. 1374/2025 for permitting her to withdraw the compensation amount deposited in this Court on her behalf and behalf of her son.

3. Similarly, respondent No. 3, the mother of the deceased, made an application No. 2275/2025 to permit her to withdraw the compensation amount to the extent of her share and the share of the minor respondent No. 2, as he is residing with her.

4. The learned counsel for the appellant has an objection to the withdrawal of the amount.

5. Heard learned counsel for the respective parties, perused the record and the impugned judgment. Considering the same and the reasons stated in both applications, I do not find substance in the objection; hence, the applications are partly allowed.

6. The applicants in both applications are entitled to withdraw 1/3rd of the amount of their share, along with the interest accrued thereon. However, the amount of 1/3rd share of respondent No. 2 is to be kept in a fixed deposit in any Nationalised bank till he attains the majority.

7. Registrar (J) is directed to transfer the amount to the extent of the applicants' Nos. 1 and 3's share in their respective bank accounts, as per the award, along with interest accrued thereon, within four weeks upon furnishing the usual undertaking and their bank account details to the Registry.

CIVIL APPLICATION (CAF) NO 3012 OF 2024.

Heard.

2. The applicant/appellant moved this application to condone the delay of 159 days in filing the First Appeal.

3. Learned counsel for respondent No. 3 has no objection to the same. However, learned counsel for respondent No. 1 objected to this, but I do not find substance in it. Hence, considering the reasons stated in the application and no objection given by the learned counsel for respondent No. 3, the application is allowed as prayed. The delay of 159 days in filing the appeal is condoned. Appeal be registered accordingly. The application is disposed of.

FIRST APPEAL STAMP NO. 10323 OF 2024.

Heard

2. Issue notice to the respondents, returnable after six weeks.

3. Mr. Deshmukh, learned counsel, waives notice for respondent Nos. 1 and 2, for which learned counsel for respondent No. 3 objected, stating that the son, respondent No. 2, is not residing with respondent No. 1, the mother. However, the mother being the natural guardian, I am not inclined to his objection. Hence, permission is granted to

respondent No.1 to waive notice on behalf of her son.

4. Call record and proceedings.
5. List the matter after receipt of the record and proceedings.

(ABHAY J. MANTRI, J.)

Belkhede