



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

CIVIL APPLICATION ST. NO.13380 OF 2024 AND
MISC. CIVIL APPLICATION ST. NO. 13378 OF 2024 IN
FIRST APPEAL NO.379 OF 2018(D)

Bajaj Allianz General Insurance Co. Ltd.

..vs..

Kaushlyabai wd/o Wasudeo Dhote 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 D.N. Kukday, Advocate for the appellant.
Shri I.N. Choudhari, Advocate for respondent no.1.
Mrs. S.P. Giratkar, Advocate for respondent nos. 2 and 3.

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

Heard rival submissions.

2. This Civil Application is filed for condonation of delay in filing the restoration of First Appeal No.379/2018, which was dismissed on 19.06.2021 for non-filing of paper-book, whereas the Misc. Civil Application is filed for actual restoration of the appeal.

3. Though the applications are opposed, but considering the statutory right of the Insurance Company, both the applications stand allowed in terms of their respective prayers. The delay of 909 days stands condoned and First Appeal no.379/2018 is restored back to its original stage. Both application stand disposed of.

4. The learned Counsel for the appellant/Insurance Company is directed to file a paper-book within four weeks.

CIVIL APPLICATION NO. 1341/2024

5. Heard rival submissions.

6. The respondent no.1/Claimant has filed this application for withdrawal of balance compensation amount of Rs.5,13,968/- along with the accrued interest thereon.

7. The appellant/Insurance Company strongly opposed the application on the ground that the appellant would definitely succeed in the appeal.

8. However, considering the fact that the appeal filed by the Insurance Company was dismissed twice in the past, and thereafter, it was restored again, the amount of balance compensation can be awarded to the respondent no.1/Claimant on usual undertaking.

9. As such, the respondent no.1/Claimant is permitted to withdraw the balance amount of compensation as mentioned above along with the accrued interest thereon till date, on furnishing usual undertaking to the satisfaction of the Registrar of this Court.

10. The application stands disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)