



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

CIVIL APPLICATION (CAF) NO. 678 OF 2025
IN
FIRST APPEAL STAMP NO. 3821 of 2025

The New India Assurance Company Limited, through its Divisional Manager, Nagpur
 Vs.
 Mamta Wd/o Pankaj Gomekar and others

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

Court's or Judge's orders

 Ms Ritu Kalia, Advocate for the appellant
 Shri P.S. Mirache, Advocate for respondent Nos. 1 to 3
 Shri Deoul Pathak, Advocate for the respondent No.5

CORAM : SHRI ABHAY J. MANTRI, J.
DATED : 01.07.2025

Applicant/appellant has filed this application to condone the delay of 118 days in filing the appeal, for which, learned Counsel for respondent Nos. 1 to 3 and 5 have given no objection. The respondent No.4 is dead.

2. Considering the reason disclosed in the application, as well as no objection of the respondents, the application is allowed as prayed.

3 Delay of 118 days caused in filing the appeal is condoned.

4. Appeal be registered accordingly.

5. Application stands disposed of.

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- . Heard.
2. Issue notice to the respondents, returnable after four weeks.
3. Learned Counsel Shri Mirache waives notice on behalf of respondent Nos. 1 to 3.
4. Learned Counsel Shri Deoul Pathak waives notice for respondent No.5.
5. In view of the pursis bearing Stamp No. 4/2025, learned Counsel for appellant seeks permission to delete respondent No.4 from the array of the respondents.
6. Her prayer is granted, as legal representatives of respondent No.4 are already on record.
7. Appellant is directed to delete the name of the respondent No.4 forthwith and supply a copy of the amended appeal memo to the respondents.

CIVIL APPLICATION (CAF) NO. 2114 OF 2025

Applicants/respondents No. 1 to 3 have filed this application to permit them to withdraw the entire amount of compensation deposited by the appellant in this Court. Learned Counsel for the appellant objected to the withdrawal of the said amount.

2. Considering the grounds raised in the appeal memo, and perusal of the impugned judgment and the grounds stated in the application, in my view, it would be appropriate to permit the applicants to withdraw 75% of the compensation amount. Accordingly, the application is partly allowed.

3. Applicants are entitled to withdraw 75% of the compensation amount as per the award, on their furnishing a usual undertaking to the satisfaction of the Registrar.
4. The Registrar (J) is directed to transfer the amount to the share of respondent Nos. 1 and 3 as per the award within four weeks into their respective bank accounts upon their furnishing of an undertaking and bank account details to the Registry.
5. The amount of the share of respondent No.2 shall be kept in a fixed deposit till he attains the age of majority.
6. Application stands disposed of.

JUDGE

Jayashree....