



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

Civil Application [CAF] No.871 of 2026

in

First Appeal St.No.21864 of 2023

Reliance General Insurance Co. Ltd.

vs.

Kamla w/o Vinayakrao Gainer and others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Mr. A.M. Kukday, Advocate for the Applicant/Appellant.

Mr. K.P. Mirache, Advocate for Non-Applicant/Respondent Nos.1 & 2.

Mr. N.L. Jaiswal, Advocate for Non-Applicant/Respondent No.3.

Mr. D.N. Kukday, Advocate for Non-Applicant/Respondent No.4.

CORAM : Y.G. KHOBRAGADE, J.

DATE : 7th MAY, 2026.

Heard the learned Counsel appearing for the parties.

02. By the present application, the applicant seeks condonation of delay of 226 days caused while lodging the appeal challenging the judgment and award dated 15/12/2022 passed in Claim Petition No. 678/2013 by learned Member, Motor Accident Claims Tribunal, Nagpur.

03. The learned Counsel appearing for non-applicant nos. 1 to 4 resisted the application.

04. For the reasons set out in the application, the delay of 226 days caused while lodging the appeal is hereby condoned subject to deposit of costs of Rs.2500/- in the following account:-

Account Name: Public Welfare Fund,
Account No.: 129712010001014,
IFSC Code: UBIN0812978.
Bank name: Union Bank of India,
High Court Branch, Nagpur.

05. After the receipt is placed on record, the office to registered the First Appeal and place it before the Court for further consideration.

06. The application is disposed of accordingly.

Civil Application [CAF] No.1548/2026:

Heard.

02. By the present application, non-applicant No.1/claimant is seeking permission to withdraw the entire amount of compensation awarded under the judgment and award dated 15/12/2022 passed in Claim Petition No.678/2013 by learned Member, Motor Accident Claims Tribunal, Nagpur.

03. The learned Counsel appearing for the appellant- insurance company strongly resisted the application on the ground that if the impugned award is modified or reversed then it will be difficult for the appellant- insurance company to recover the same from the claimant.

04. Needless to say, deceased-Vinayak Gainer died in an accident on 11/05/2013. Respondent Nos.1 and 2, the dependents of the deceased, had instituted Claim Petition No.678/2013 for grant of compensation. After conclusion of the trial, on 15/12/2022, the Tribunal passed the award and granted compensation of Rs.21,81,506/- with interest @ 6.5% p.a. from the date of the petition till realization of the entire amount. The appellant- insurance company has deposited the entire compensation amount before this Court.

05. Respondent No.1-claimant has filed Pursis bearing Stamp No.4/2026 stating therein that during the pendency of the present appeal, respondent No.2 expired on 02/12/2025 and his legal representative, i.e. respondent No.1, is already on record. Therefore, respondent No.1 is entitled to receive the entire amount of compensation including the share of deceased-respondent No.2.

06. Considering the nature of claim as well as to meet the financial exigencies, respondent No.1 is permitted to withdraw 75% of

the compensation amount on furnishing usual undertaking and 25% of the compensation amount on furnishing surety along with accrued interest.

07. The application is disposed of accordingly.

JUDGE

**sandesh*