

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

CIVIL APPLICATION (CAF) NO.2310/2022 IN FA ST.NO.14979/2022
The Reliance General Insurance Co.Ltd., thr.its Branch Manager, Nagpur

..VS..

Baburao s/o Sheshrao Nage and ors

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

Court's or Judge's Order

.....
 Shri D.N.Kukday, Counsel for the Applicant/Appellant.
 Shri P.S.Mirache, Counsel for NA Nos.1 to 3.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 03/01/2023

1. This is an application by the Insurance Company for condonation of delay caused in filing an appeal against judgment and order passed by the Motor Accident Claims Tribunal, Nagpur. Delay is of 19 days.
2. For reasons stated therein, the application is **allowed**. The delay stands condoned. Office to register the first appeal.
3. The civil application is **disposed** of.

FA ST.NO.14979/2022

1. Heard.
2. **Admit.**
3. Record and proceedings be called for.
4. Learned counsel Shri P.S.Mirache waives service for respondent Nos.1 to 3.
5. List the appeal after record and proceedings are received.

CAF No.2937/2022

1. This is an application by original claimants for withdrawal of amount.

2. As per judgment and order impugned, the appellant – Insurance Company has deposited total amount Rs.51,02,332/- and the said amount is lying in the Court.

3. Respondent Nos.1 and 2 are old aged. They require the amount for their day to day livelihood and for their medical expenses. They have also obtained hand loan for medical purposes. Respondent No.1 is suffering from Heart Disease and had undergone Angioplasty. Respondent No.3 is doing private work. They pray for withdrawal of 100% amount.

4. Learned counsel for the Insurance Company submits that if the appeal goes against the claimants and if the amount is permitted to be withdrawn, it will be difficult to recover the amount from them.

5. Considering the need of claimants, they can be permitted to withdraw 50% of the deposited amount.

6. Respondent Nos.1 to 3 are permitted to withdraw 50% of the deposited amount on their furnishing surety/usual undertaking.

7. The civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!