

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

CIVIL APPLICATION NO.3663 OF 2015 IN
FIRST APPEAL ST.NO.17991 OF 2014

Noorali Jahurali Saiyyad
and ors.

..Applicants

Versus

Shriram General Insurance
Co.Ltd., Jaipur and anr.

..Respondents

Mr H.A. Patankar, Advocate for applicants
Mr V.N. Upadhye, Advocate for respondent No.1

CORAM : N.W. SAMBRE, J.

DATE : 26th March 2015

PER COURT

1. This is an application for withdrawal of amount deposited by the Insurance Company in compliance with the judgment and order dated 19th March 2014 passed in Motor Accident Claims Petition No.271/2011, whereby the Insurance Company was jointly and severally held liable to pay Rs.6,39,000/- to the claimants.

2. Accordingly, the entire amount is deposited by the Insurance Company.

3. The learned Member, Motor Accident Claims Tribunal, Dhule has observed that the amount of compensation deposited by the opponents be disbursed in following manner :

(i) 40% individually i.e. 80% of the total amount be paid to the applicants No.1 and 2, respectively.

(ii) 10% of the amount of remaining 20% amount be paid to each of the applicants No.3 and 4 who are brother and sister of the deceased,.

4. The prayer for withdrawal is objected by Mr Upadhye, learned Counsel for Insurance Company on the ground that the multiplier applied in present case is not correct.

5. In the light of above, it will be appropriate that the applicants No.1 and 2 be permitted to withdraw 50% of the amount in proportion to the observations made by the Motor Accident Claims Tribunal, i.e. 40% of the same be paid to the applicants No.1 and 2, i.e. 80% of the 50% amount and remaining 20% be paid to the applicants No.3 and 4 i.e. 10% of 50% amount to each of the applicants No.3 and 4.

6. Civil Application stands disposed of in above terms.

(N.W. SAMBRE, J.)

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