

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7142 OF 2015
IN
FIRST APPEAL NO. 492 OF 2015

Sunanda Rameshchandra Ladda and Anr.

... Applicants

VERSUS

HDFC Ergo General Insurance Co. Ltd. & Ors.

... Respondents

.....

Mr P. C. Mayure, Advocate for the applicants
Mr S. G. Chapalgaonkar, Advocate for respondent No. 1
Mr K. B. Jadhav, Advocate for respondent No. 3

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CIVIL APPLICATION NO. 7143 OF 2015
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CIVIL APPLICATION NO. 7144 OF 2015
IN
FIRST APPEAL NO. 490 OF 2015

CORAM : S. V. GANGAPURWALA, J.
DATE : 21ST AUGUST, 2015.

PER COURT:

. Mr Mayure, ld. counsel for the applicants states that, it is a case of package policy. The award is in favour of the applicants. The non-applicant/Ins. Company deposited only 50% of the liability imposed upon it. The applicant be allowed to withdraw the same.

2. Mr Chapalgaonkar, ld. counsel for non-applicant No. 1 states that vehicle was being used for hire and reward. As such, the

Insurance Company is not liable and even it is a case of negligence on the part of the driver of the other vehicle.

3. Today, the award is in favour of the applicants. The non-applicant / Ins. Company, which has deposited the amount, is held liable to the extent of 50% and the said Ins-Company has deposited the amount of 50% of its liability.

4. The present applicants should not be concerned with respect to the negligence.

5. Considering the above, I pass the following order.

ORDER

The applicants are allowed to withdraw the amount in proportion as awarded by the Tribunal on submitting an undertaking to the Court that, in the event the applicants are directed to deposit the amount, they will redeposit the amount.

6. Civil Application stands disposed of.

[S. V. GANGAPURWALA, J.]