

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

**CIVIL APPLICATION NO. 11682 OF 2015
IN
FIRST APPEAL NO. 1175 OF 2014**

Sunanda Kailash More and others .. Applicants

Versus

New India Assurance Co. Ltd.
Aurangabad and another .. Respondents

Shri Nirmal R. Dayama, Advocate for Applicants.
Shri Mohit Deshmukh, Advocate h/f Shri S. G. Chapalgaonkar,
Advocate for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 11TH SEPTEMBER, 2015.**

PER COURT :

. This is an application for withdrawal of amount. The learned counsel for the Insurance Company opposed the application on the ground that the deceased himself was negligent. Though the claim U/Sec. 163-A of the M. V. Act is filed, the person who himself is negligent is not entitled for compensation.

2. Considering the award passed, I pass the following order.

3. The applicant No. 1 is allowed to withdraw an amount of

Rs. 2,00,000/- (Rs. Two Lacs only) on furnishing solvent security/surety of like amount. The applicant No. 5 is allowed to withdraw an amount of Rs. 45,000/- (Rs. Forty Five thousands only) on submitting solvent security/surety of like amount. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Sept. 15