

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

CIVIL APPLICATION NO.2525/2015 IN
FIRST APPEAL NO. 2271 OF 2014

SARUBAI AMRUT BRAMHANE AND OTHERS
VERSUS
NEW INDIA ASSURANCE CO. LTD. AURANGABAD

...

Advocate for Applicants : Patil Vinod Prakash
Advocate for Respondent : Chapalgaonkar S.G.

...

CORAM : S.V.GANGAPURWALA,J.

DATED : 26TH OCTOBER, 2015

PER COURT :-

Mr.Chapalgaonkar, learned counsel for the insurance company opposes the said application on the ground that the deceased himself was negligent in driving the vehicle and the issue with regard to the factum considering negligence of the deceased even in claim u/s 163(A) of the Motor Vehicles Act is referred to the Larger Bench of the Apex Court.

2] Considering the award passed, it would be appropriate to allow claimants to withdraw 50% of the amount deposited.

3] In light of above, I pass following order :

4] The claimants are allowed to withdraw 50% of the amount deposited in proportion as awarded by Tribunal on submitting

undertaking to the Court. Remaining 50% of the amount be kept in Fixed Deposit in Nationalised Bank. Civil Application is disposed of.

[S.V.GANGAPURWALA,J.]

umg/