

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

**CIVIL APPLICATION NO. 12962 OF 2015
IN
FIRST APPEAL NO. 1257 OF 2015**

Vandanabai Dhanraj Chitte .. Applicant

Versus

National Insurance Co. Ltd. and others .. Respondents

Shri P. C. Mayure, Advocate for the Applicant.

Shri S. P. Chapalgaonkar, Advocate for the Respondent No. 1.

CORAM : S. V. GANGAPURWALA, J.

DATE : 09TH OCTOBER, 2015.

PER COURT :

. Leave to correct.

2. This is an application for withdrawal of amount by claimant No. 1.

2. Mr. Chapalgaonkar, the learned counsel for the Insurance company submits that, the case of contributory negligence has been considered.

3. Even if plea of present Insurance Company is accepted, it

would be case of composite negligence, wherein claimant can recovery whole amount from any one. As such, withdrawal to the extent of share of applicant can be granted.

4. In the light of the above, the claimant No. 1/Vandanabai Chitte is allowed to withdraw Rs. 2,00,000/- (Rs. Two Lacs only) along with interest. Remaining amount of the share of applicant be kept in fixed deposit as directed by the Tribunal. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15