

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAF] No.1779 of 2015

in

First Appeal No.548 of 2009

(The Oriental Insurance Co. Ltd., Amravati vs. Subhash Mahadeorao Pardhe and others)

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Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

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Mrs. Mrunal Naik, Advocate for the Applicant/Appellant.
Mr. B.N. Mohta, Advocate for the Respondent No.1.

CORAM : R.K. DESHPANDE, J.

DATE : DECEMBER 15, 2015.

The present application for withdrawal of amount is filed by the claimant/respondent No.1. It is a case of composite negligence. The claimant, who was injured in the accident, remains third party. So far as the appellant-Oriental Insurance Company is concerned, if it is a case of joint tortfeasor, it is always open for the appellant-Insurance Company to recover the amount of proportionate liability of the owner of the another vehicle by instituting separate proceedings. The appellant cannot be prevented from enjoying the benefits of the decree.

Hence, the civil application is allowed. The applicant/claimant is permitted to withdraw an amount of Rs.1,50,000/- out of the deposit made by the appellant.

The civil application stands disposed of.

JUDGE