

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO. 4624 OF 2016
IN FA/1432/2013

NAMDEO BAJIRAO MHETRE AND ANR
VERSUS
SHAIKH ASEF SHAIKH BABULAL AND ANR

...
Advocate for Applicants : Salunke Sudarshan J
Advocate for Respondents : S R Bagal For R/2
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CORAM : P.R. BORA, J.
DATE : 06-12-2016.

P.C. :

1. The present application is filed by the original claimants seeking withdrawal of amount deposited by the insurance company in this court in first appeal no. 1432 of 2013. Admittedly, first appeal no. 1432 of 2013 has been dismissed by this court (Coram: K.U. Chandiwal, J.) on 15.01.2014.

2. The learned counsel appearing for the parties brought to the notice of this court that the original claim petition bearing no. 86 of 2012 has been finally disposed of by the Motor Accident Claims Tribunal at Beed on 02.01.2016. The learned counsel further submits that, the insurance company deposited a sum of Rs. 59,532/- and Rs. 27,325/- before the tribunal. The learned counsel further submitted that, liability of the insurance company is restricted to the extent of Rupees One Lakh only. It is further

submitted that, the claimants have already withdrawn both the aforesaid amount totaling to Rs. 86,857/- from the tribunal. In view of the fact that, the original claimants are entitled to receive a sum of Rupees One Lakh and the interest accrued thereon by the insurance company, the withdrawal can be permitted from the amount deposited in this court to the aforesaid extent only. In view of the above, following order is passed.

ORDER

- i) The claimants are permitted to withdraw a sum of Rs. 27,915/- along with interest accrued thereon.
- ii) Balance amount shall be refunded to the insurance company along with interest accrued thereon.
- iii) Civil application stands disposed of.

(P.R. BORA)
JUDGE

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