

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.777 OF 2016
WITH
CIVIL APPLICATION NO.4349 OF 2015
IN
FIRST APPEAL (ST.) NO.35120 OF 2015**

Anandrao Shivaji Vir and Others	... Applicants
<i>In the matter between</i>	
Bajaj Allianz General Insurance Company Limited	... Appellant
vs.	
Anandrao Shivaji Vir and Others	... Respondents

Mr. V.R. Gaikwad, for the Applicants.
Ms. Yogita Deshmukh, for the Appellant.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **2nd MARCH, 2016**

P.C.:

. The civil application No. 777 of 2016 is moved for withdrawal of the amount.

2. The learned counsel for the Applicants submit that the First Appeal is directed against the judgment and order dated 26th March, 2015 passed by the learned Member, M.A.C.T., Satara in

M.A.C.P. No. 269 of 2011 thereby directing the Appellant to pay the compensation of Rs. 8,35,000/- with interest @ 8% p.a. She submitted that the accident had taken place on 21st July, 2010. The deceased was only 22 years old at the time of accident. She further submitted that the parents of the deceased and his brother have filed application for compensation.

3. The learned counsel for the Insurance Company opposes the application and submitted that the Appellant has good case on merit. The Insurance Company has raised defence of negligence and also breach of policy as the truck was used for transportation of the passengers.

4. Perused the impugned judgment and order. The deceased died when he was walking on the road and a dash was given to him from his backside. Thus, in view of the submissions made by the learned counsel for the Applicants/claimants, the Applicant Nos. 1 and 2 are allowed to withdraw Rs. 5 lacs on usual undertaking before the Tribunal.

(MRS.MRIDULA BHATKAR, J.)