

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 34 OF 2016
IN
FIRST APPEAL NO. 1829 OF 2013

Narayan Dattu Dumbare & Anr.	...	Applicants
in the matter between		
The New India Assurance Co. Ltd.	...	Appellant
Vs.		
Narayan Dattu Dumbare & Ors.	...	Respondents

Mr. Ankit Chaturvedi i/b. Mr. R.N. Gite, Advocate for the applicants.
Mr. S.S. Jinsiwale, Advocate for the original appellant.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: 15th January, 2016.

P.C.:

This Application is moved by the applicants for withdrawal of an amount of Rs.2,56,700/- deposited by the insurance company.

2. The learned counsel for the applicants submitted that till today the applicants did not receive any amount. The parents of the deceased school going boy have applied for the compensation of loss of their only son. Except No Fault Liability of Rs.50,000/-, they have not received any amount.

3. The learned counsel for the insurance company submitted that the insurance company has good case on merits, as the driver of the offending

vehicle was not holding valid licence.

4. It is pointed out by the learned counsel for the applicants that by an order dated 5th September, 2012 in Civil Application No. 2828 of 2012, the applicants were allowed to withdraw an amount of Rs.60,000/-, however, they have not withdrawn any amount.

5. The award is of pay and recover the amount. In view of this, the applicants are allowed to withdraw 50% of the amount which is accumulated till now on personal undertaking and the remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is disposed of.

(MRIDULA BHATKAR, J.)