

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4048 OF 2015
IN
FIRST APPEAL NO.1249 OF 2015**

Smt. Chhaya Daulat Madane & Ors. Applicants

In the matter between

The New India Assurance Co. Ltd. Appellants

Vs.

Smt. Chhaya Daulat Madane & Ors. Respondents

Mr. Bhushan Walimbe, Advocate for the applicants.

Mr. Sandeep. S. Jinsiwale, Advocate for respondent no.1.

Ms. Shruti Kondoi h/for Mr. Umesh Mankapure, Advocate for respondents no. 5 and 6.

Coram : **Smt. R.P. SondurBaldota, J.**

Date : 9th March, 2016

P.C.

1 This Civil Application by the claimants is for withdrawal of the amount deposited by the appellant-Insurance Company in the Motor Accident Claims Tribunal at Sangli. According to the appellant- Insurance Company, it is liable to pay only 50% of the compensation since there was equal contribution in negligence by the deceased. In view of

contention taken, the applicants can be permitted to withdraw atleast 50% of the amount alongwith the interest accrued thereon. The Civil Application is allowed. The applicants are at liberty to withdraw 50% of the amount lying deposited with Motor Accident Claims Tribunal at Sangli alongwith the interest accrued thereon. This withdrawal will be over and above the amount of Rs.2,00,000/- permitted to be withdrawn by the order dtd. 8th July, 2015.

(Smt. R.P. SondurBaldota, J)