

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.664 OF 2016
IN
FIRST APPEAL [STAMP] NO.3248 OF 2013

Parmod Kumar Malhotra	 Applicant
In the matter between	
The New India Assurance Co. Ltd.	 Opponent
Vs.	
Parmod Kumar Malhotra & Others	 Respondents

Mr. A.N. Narula i/by Jhangiani Narula & Associates
for the Applicant/Original Claimant.
Mr. D.R. Mahadik for the Insurance Company.

CORAM: MRS. MRIDULA BHATKAR, J.

DATE : FEBRUARY 24, 2016

P.C:

1. This application is moved by the applicant/appellant/original claimant for himself and on behalf of the other claimants for withdrawal of amount of Rs.6,56,032/- along with the interest accrued thereon. Learned counsel for the Insurance Company submits that the Insurance Company has deposited the entire amount along with the interest accrued thereon. He opposes the present application and submits that the Insurance Company has a good case on merits,

mainly on the point of breach of policy.

2. Learned counsel for the applicant submits that the claimants have not received any amount except the amount of no fault liability. The accident took place on 7-11-2002. It is a death claim of the wife of the present applicant.

3. In view of the above, the claimants are allowed to withdraw 50% of entire amount on their furnishing usual undertaking to the satisfaction of the Tribunal.

4. The application accordingly stands disposed of.

(MRIDULA BHATKAR, J.)