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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.502 OF 2016
IN
FIRST APPEAL (ST) NO.28214 OF 2015

Singh Subhash Chhagursingh .. Applicant

In the matter of

New India Assurance Co. Ltd. Appellant.

V/s.

Singh Subhash Chhagursingh
and ors Respondents

Ms. Urmila K. Sanil, for the Appellant.

Mr. A.M. Gokhale, for the Applicant..

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 24TH OCTOBER, 2016.

P.C. :

1. This application is preferred by the original claimants seeking withdrawal of amount of compensation as deposited by the Insurance Company, in the Tribunal. It is submitted that the applicants are the parents of the deceased, who at the time of accident was only 23 years of age. On account of his death, applicants have lost their source of income. They have not received any amount of compensation till date. Hence they

may be permitted to withdraw the entire amount of compensation. However, as rightly submitted by learned counsel for Insurance Company as the award passed by the Tribunal is under challenge in this appeal and award is challenged not only on the quantum of compensation and multiplier, but also on the ground that there is no discussion in the judgment and order of the Tribunal regarding negligence of deceased. In view, thereof, applicants are permitted to withdraw 20% of the amount of compensation as deposited by the insurance company on furnishing usual undertaking but without insisting on any security.

2. Application is disposed of.

[DR. SHALINI PHANSALKAR JOSHI, J.]