

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION NO.518 OF 2016
IN
FIRST APPEAL (ST) NO.6165 OF 2015

The National Insurance Co. Ltd. Thr. Branch at Chandrapur.

-vs-

Shobhatai w/o Wasudeorao Bankar and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri T. J. Patil, Advocate for applicant/respondent Nos.1 to 4.

Shri C. A. Anthony, Advocate for appellant/non-applicant.

CORAM : A.S.CHANDURKAR, J.

DATE : April 04, 2016

Prayer is to permit the claimants to withdraw the amount of compensation deposited by the appellant.

The application is opposed by the learned counsel for the appellant on the ground that the Claims Tribunal has held the drivers of both the offending vehicles to be equally liable for the accident. Reference is made to the finding recorded in paragraph 16 of the judgment. It is therefore submitted that even on said reasoning, the appellant would be entitled only to pay 50% of the amount awarded.

Perused the impugned judgment. The claimants are permitted to withdraw a sum of Rs.8 lakhs on furnishing undertaking that in case the appeal is allowed, said amount shall be repaid with interest that may be directed by the Court. Applicant Nos.1 to 4 shall be paid Rs.2 lakhs each.

Civil application is allowed and disposed of.

JUDGE