

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 3630 OF 2017 IN FA/2577/2016
SHAIKH SHAFIQ GOUSUDDIN AND ANR
VERSUS
THE NATIONAL INSURANCE CO. LTD. AND ANR

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Advocate for Applicants : Shri Shirsat Suhas R.
Advocate for Respondents : Shri A. B. Kadethankar for R/1.

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CORAM: V.K. JADHAV, J.
DATE :- 07th April, 2017

Per Court:

1 The learned counsel for the Applicants submits that the Respondent/ Insurer has preferred the appeal to the extent of negligence on the part of the driver and the quantum of compensation as awarded by the Motor Accident Claims Tribunal. The learned counsel submits that the claimants have claimed the compensation of Rs.2 lac, however, the Tribunal has awarded the compensation of Rs.3.20 lac.

2 Considering the challenge made to the judgment and award of the Tribunal and the fact that the compensation was claimed in respect of death of a three year child, the Applicants are permitted to withdraw the amount of Rs.2 lac out of the amount deposited by the Appellant before this Court, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court. The Civil Application is, accordingly, disposed of.

(V.K. JADHAV, J.)