

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

960 CIVIL APPLICATION NO. 6788 OF 2017
IN FA/1194/2017

MEENA DADASAHEB BHORE AND ORS

VERSUS

L AND T GENERAL INSURANCE CO. LTD. THR ITS BRANCH
MANAGER, MUMBAI AND ANR

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Advocate for Applicants : Mr. Karpe Rahul R.

Advocate for Respondent No. 1 : Mr. Chapalgaonkar S.G.

Advocate for Respondent No. 2 : Mr. V.P. Savant.

CORAM : K. L. WADANE, J.

DATE : 31st August, 2017

ORDER:

1. This is an application for withdrawal of amount of compensation granted in favour of the applicants/original claimants.

2. Mr. Chapalgaonkar, learned counsel appearing for the Insurance Company has strongly objected the application on the ground that the insurance company preferred the appeal on the ground that the involvement of the vehicle itself is denied. He further submits that, initially a news was reported in the news paper that there was accident between two motor-cycles and after about 05 days the brother of the deceased has given his statement before the police and reported the number of the tractor involved in the accident.

3. I have gone through the reasons recorded by the learned Tribunal, particularly, in para No. 15, from which it appears that, neither the insurance company nor the owner or driver of the vehicle stepped into the witness box to rebut the evidence of the claimants in order to establish their claim.

4. In view of the above, at least 50 % amount of compensation can be paid to the claimants/applicants as at present the Award is in their favour.

5. The Civil Application is allowed.

6. The applicants are permitted to withdraw 50 % amount of compensation along with interest, deposited in this Court on the undertaking that in case adverse orders are passed in the appeal, the claimants/applicants shall redeposit such amount in this Court within a period of 12 weeks.

7. Civil application is disposed of.

(K. L. WADANE, J.)

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