

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

CIVIL APPLICATION NO. 7831 OF 2017 IN FAST/15848/2017

MAYURI VINODRAO SHAHANE AND ORS
VERSUS
THE NEW INDIA ASSURANCE CO. LTD, THR ITS BRANCH MANAGER,
PARBHANI AND ORS

...
Advocate for Applicants : Mr Mayure Pramod C
Advocate for Respondents : Mr M. M. Ambhore

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CORAM : V.K. JADHAV, J.
Dated: June 16, 2017

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PER COURT :-

1. Learned Counsel for the applicant submits that the respondent/insurer has deposited 30% of the amount as directed by the Tribunal and joint tort-feasor M.S.R.T.C. has deposited 70% of the amount. Learned Counsel submits that applicants have already withdrawn 40% of the amount out of the amount deposited by the respondent-MSRTC. The applicant may be permitted to withdraw the amount deposited by the respondent/Insurer.
2. Learned Counsel for the respondent/Insurer submits that the respondent/Insurer has challenged the finding of the Tribunal to the extent of contributory negligence as against the driver of the vehicle Insured with respondent insurer and also against the compensation awarded by the Tribunal by considering future prospects.
3. In view of the above submissions and considering the fact that applicants have already withdrawn 40% of the amount out of amount deposited by the respondent/MSRTC, applicants are permitted to withdraw 20% of the amount out of amount deposited by the respondent/insurer before this Court, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court. Civil Application accordingly disposed of.

(V.K. JADHAV, J.)

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