

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

CIVIL APPLICATION NO. 12928 OF 2017

IN

FAST/8322/2017

KALPANA MACHINDRA DHAGE AND ANR

VERSUS

**NEW INDIA ASSURANCE COMPANY LTD, THR ITS BRANCH
MANAGER, DIVISIONAL OFFICE, AURANGABAD AND ORS**

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Advocate for Applicants : Bagal Suraj R.

Advocate for Respondent no.1 : S. G. Chapalgoankar

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CORAM : K.L.WADANE, J.

DATED : 10th October, 2017

O R D E R :

Heard learned counsel for both sides.

2. This is an application for withdrawal of amount of compensation by the claimants.

3. Application is opposed by the learned counsel for the insurance company on the ground that there was contributory negligence amongst both the drivers, still the liability is not fastened upon the owners and drivers of both the vehicles as per the finding.

4. In view of above, the applicants can be permitted to withdraw 50 per cent amount of compensation deposited by the insurance company.

5. Hence, the application is allowed. Applicants are permitted to withdraw 50 per cent amount of compensation together with accrued interest.

6. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm