

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
 926 CIVIL APPLICATION NO. 12926 OF 2017
 IN FA/1609/2015 WITH CA/7424/2015 IN FA/1609/2015

FATEMA AZIZ PATHAN AND OTHERS
 VERSUS
 NEW INDIA ASSURANCE COMPANY LTD., THR ITS BR. MANAGER,
 OSMANABAD AND ORS

...

Advocate for Applicants : Mr. Adgaonkar Ravibhushan P.
 Advocate for Respondent No. 1 : Mr.S.G. Chapalgoankar.

CORAM : K. L. WADANE, J.

DATE : 13th December, 2017

ORDER:

1. Civil Application No. 12026/2017 is filed by the applicant/ original claimants for withdrawal of amount of compensation.

2. Learned counsel for the respondent No. 1/ Insurance Company submits that the insurance company preferred appeal against the judgment and award of the Tribunal mainly on the grounds; (i) the amount of compensation granted towards non pecuniary damages, (ii) amount of compensation towards future loss of earning and (iii) the driver of the offending vehicle was not holding valid driving licence at the time of accident. Learned counsel has brought to my notice recent judgment delivered by the Apex Court in case of National Insurance Company V/s. Pranay Shetty and

others .

3. I have gone through the reasons recorded in the above judgment and considering the observations of the Apex Court, I am of the opinion that at least 60% amount out of total compensation amount along with interest accrued therein can be paid to the applicants.

4. Application is allowed.

5. Applicants are permitted to withdraw 60% amount out of total compensation amount along with interest accrued therein, deposited by the insurance company in this Court.

6. Civil Application for withdrawal of amount is disposed of.

7. Since the respondent No. 1/appellant has deposited entire amount of compensation in this court, the order passed in Civil Application No. 7424/2015 dated 21.08.2015 to continue till final disposal of the appeal.

8. Civil Application No. 7424/2015 is disposed of.

(K. L. WADANE, J.)

mkd