

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2449 OF 2017
IN
FIRST APPEAL ST. NO.15566 OF 2011

Smt.Chaya Nandkishore & ors. ... Applicants
Vs.
United India Insurance Co. Ltd. & Ors. ... Respondents

Mr.R.V. Bansode for the Applicants
Mr.K.N. Kandekar for original appellant in FA/1277/2017

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: NOVEMBER 21, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This is an application for withdrawal of the amount by the original claimants of the amount deposited by the appellant insurance company. The applicants are the widow and two children, who were minor at the relevant time. It is a case of contributory negligence. The appellant / insurance company was directed to pay 75% of the award amount *vide* the impugned judgment and order dated 15.10.2010 passed by the learned Member, Motor Accident Claims Tribunal, Baramati. The total compensation awarded was Rs.3,50,000/- alongwith interest @ 9% p.a.

3. Learned Counsel for the insurance company has submitted that the insurance company has deposited 75% of the amount as per the award.
4. Heard the learned Counsel for the parties. For the reasons stated in the Civil Application, it is allowed. The applicants are allowed to withdraw 50% out of the amount deposited by the insurance company alongwith interest accrued thereon.
5. List the appeal for admission on 30.1.2018.
6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)