

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1916 OF 2017
IN
FIRST APPEAL NO. 732 OF 2017

Smt. Anuradha Vilas Potdar & Ors. ... Applicants
in the matter between
The New India Insurance Company Ltd. ... Appellant
Vs.
Smt. Anuradha Vilas Potdar & Ors. ... Respondents

Mr. Umesh H. Pawar, Advocate for the applicants.
Mr. S.S. Jinsiwala, Advocate for the appellant.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **13th September, 2017.**

P.C.:

Upon urgent mentioning, taken on production board.

2. This Application is moved for withdrawal of an amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 15th January, 2012 passed by the learned Motor Accident Claims Tribunal, Kolhapur in M.A.C.P. No. 152 of 2010.

3. The learned counsel for the applicants submitted that the applicants are the wife, two children and mother of the deceased. He

submitted that it is a case of composite negligence and, therefore, he be allowed to withdraw the entire amount deposited by the insurance company.

4. The learned counsel for the appellant/insurance company submitted that the insurance company has deposited an amount of Rs.9,75,778/- which is directed as per their share.

5. In view of the submissions, the applicants are allowed to withdraw an amount of Rs.1,25,000/- each on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)