

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2097 OF 2017
IN
FIRST APPEAL NO.821 OF 2017

Rupali Amol Kalambe & Ors. ... Applicants

IN THE MATTER OF:

Regional Manager

Reliance General Insurance Co. Ltd. ... Appellant

Vs.

Rupali Amol Kalambe & Ors. ... Respondents

Mr.A.R. Avachat for the Applicants

Ms.Poonam Mittal for appellant insurance company.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **27th SEPTEMBER, 2017**

P.C.:

1. This is an application for withdrawal by the original claimants of the amount deposited by the appellant insurance company as per the judgment and order dated 28.6.2016 in MACP No.909 of 2012 passed by the Motor Accident Claims Tribunal, Pune.
2. Learned Counsel for the insurance company has opposed the application and submitted that the father's occupation is shown different and, therefore, he is not to be allowed to withdraw any

amount. She also submitted that the insurance company has challenged the dependency of the father.

3. The applicant No.1 is a widow, applicant No.2 is the son and applicant No.3 is the father of the deceased.

4. It is a case of composite negligence and two insurance companies are held liable to pay compensation. For the reasons stated in the Civil Application, the Applicant Nos.1 and 2 are allowed to withdraw Rs.5 lakhs each. The remaining amount shall be invested in a fixed deposit with any nationalised bank pending the disposal of the appeal.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)