

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO.3002 OF 2016
IN
FIRST APPEAL NO.907 OF 2015

New India Assurance Company Ltd.

-vs-

Varsha Revnath Kotrange and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. W. Paunikar, Advocate for appellant.
Shri T. J. Patil, Advocate for respondent Nos.1 to 3.

CORAM : A.S.CHANDURKAR, J.
DATE : March 14, 2017

The claimants seek permission to withdraw the amount of compensation deposited by the appellant.

The application is opposed by the learned counsel for the appellant on the ground that the aspect of contributory negligence of other vehicle involved in the accident has not been taken into consideration.

Perused the impugned judgment. Considering the nature of evidence on record, the claimants are permitted to withdraw an amount of Rs.Ten lakhs subject to filing an undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. Remaining amount shall be invested in Fixed Deposit.

Civil application is allowed and disposed of.

JUDGE