

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 CIVIL APPLICATION NO. 9763 OF 2018
IN FA/2506/2016

SHIVGANGA BABURAO BADE AND OTHERS
VERSUS
THE NATIONAL INSURANCE COMPANY LTD. THR ITS DIV.
MANAGER, AURANGABAD AND ORS

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Advocate for Applicants : Mr. Mayure Pramod C
Advocate for Respondent No.4 : Mr. S. S. Patil

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CORAM : V.L. ACHLIYA, J.

DATED : 02nd AUGUST, 2018

PER COURT:-

1. The applicants have filed this application to withdraw the amount of Rs. 4,00,157/- deposited by the Insurance Company in terms of judgment and order passed by this Court in First Appeal No. 25.06 of 2016 decided on 02.03.2017.

2. Learned counsel for the applicants submits that vide judgment and order dated 02.03.2017 passed by this Court, the award passed by the Tribunal was partly modified and the liability to pay the amount apportioned amongst the two vehicles involved in the accident in the ratio of 50% : 50%. He further submits that in terms of the award, the amount to the extent of 50% already deposited by respondent no.3 i.e. appellant – Insurance Company. The appellant – Insurance Company was directed to deposit the balance 50% amount and then to recover the same from respondent no.1 i.e. owner of the Jeep. He submits that in terms of the modified award, the appellant – Insurance Company has deposited Rs.4,00,157/- on 15.01.2018.

3. Learned counsel representing respondents no. 3 and 4 submits that they have objection to pass appropriate order in view of disposal of appeal.

4.. Considering the submissions advanced in the light of the judgment and order passed in First Appeal No.2506 of 2016, I am inclined to allow the application and pass the following order:

ORDER

(i) The applicants are permitted to withdraw the amount of Rs. 4,00,157/- together with interest accrued thereon till the date of payment.

(ii) The amount be paid to applicants no. 1 to 4 in terms of the order of apportionment already passed by the Tribunal vide judgment and order dated 22.03.2013.

(iii) The amount falling to share of each of the applicants be transferred in their respective savings bank accounts by way of electronic transfer i.e. RTGS / NEFT on furnishing the details to that effect .

(iv) The transfer of amount shall be effected within one week from the date on which the particulars about savings bank accounts are furnished by the applicants.

(v) After making the payment to applicants, the copy of order be send to Motor Accident Claim Tribunal, Beed for recording the satisfaction of award dated 22.03.2013 passed in M.A.C.P. No.113 of 2008.

**(V.L. ACHLIYA)
JUDGE**