

**IN THE HIGH COURT OF BOMBAY AT GOA**

MISC.CIVIL APPLICATION NO. 993 OF 2017

IN

FIRST APPEAL NO. 53 OF 2015

RADHIKSHA RAJESH JALMI.,

... Applicant

Versus

BAJAJ ALLIANZ GENERAL INSURANCE  
CO. LTD., THROUGH ITS SIGNATORY  
PRAVIN PRABHAKAR PRABHU AND 2  
ORS.,

... Respondents

Adv. Pavithran A. V for the Applicant.

Adv. N. Govekar for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 4th April 2018

P.C.:

Heard the learned counsel for the applicant and the learned counsel for the respondents.

2. This is an application for permission to withdraw 50% of the amount deposited by the respondent/insurance company before this Court.

3. On hearing the learned counsel for the parties, it appears that the challenge by the insurance company is on the point of the alleged contributory negligence of the applicant/injured in the

accident. The learned counsel for the respondent/insurance company states that according to the respondent, the applicant was responsible for 50% of the contributory negligence. Even if that is accepted in appeal, at the highest, the compensation would be reduced by 50%. The applicant had suffered permanent disability to the extent of 20%.

4. Considering the overall circumstances, I find that the withdrawal of 50% of the amount of the compensation can be permitted. In such circumstances, the civil application is allowed. Office shall permit the applicant to withdraw 50% of the amount deposited before this Court along with proportionate interest which shall be subject to the outcome of the appeal. The civil application is disposed off.

C. V. BHADANG, J.

ap/-