

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.923 OF 2017
IN
FIRST APPEAL NO.1179 OF 2014

Sau.Shakuntala Ramdas Mane & anr. ... Applicants

IN THE MATTER BETWEEN:

The New India Assurance Co. Ltd. ... Appellant

Vs.

Sau.Shakuntala Ramdas Mane & anr ... Respondents

Mr.R.G. Shinde for the Applicants

Mr.Sudhakar Pandaram I/b M.V. More for Appellant in FA

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

DATE: **JANUARY 31, 2018**

P.C.:

1. This is an application filed by the original claimants for withdrawal of the amount of compensation deposited by the appellant insurance company. The learned Member, Motor Accident Claims Tribunal, Pune by his judgment and award dated 20.1.2014 passed in MACP No.981 of 2007 granted a sum of Rs.7,73,000/- with interest @ 9% p.a, to be divided equally between both the parents.

2. The learned Counsel for the applicants submits that the applicants are the parents of the deceased and they have not received any amount.

3. The defence is of contributory negligence and breach of policy.
4. In view of the submissions of the learned Counsel, the applicants/original claimants are allowed to withdraw 50% of the amount of compensation alongwith interest accrued thereon as per their entitlement, upon furnishing usual undertaking to the satisfaction of the Registrar, Motor Accident Claims Tribunal.
5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)