

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (STAMP) NO.3889 OF 2018
IN
FIRST APPEAL (STAMP) NO.31637 OF 2017

Richa Shivkuma Dubey and Ors.	 Applicants
<i>In the matter between</i>	
The Oriental Insurance Co. Ltd., Pune	 Appellant
<i>V/s.</i>	
Richa Shivkuma Dubey and Ors.	 Respondents

Mr. Vishwanath S. Talkute for the Applicants.

Mr. Devendranath S. Joshi for the Appellant-Insurance Company.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 19TH SEPTEMBER, 2018.

P.C. :

1. Heard Mr. Talkute, learned counsel for the Applicants, and Mr. Joshi, learned counsel for the Appellant-Insurance Company.

2. This is an application preferred by the Original Claimants for withdrawal of the entire amount of compensation. However, considering that the Appeal is filed on the ground of negligence, quantum of compensation and breach of policy, the withdrawal of the entire amount of compensation cannot be permitted.

3. Moreover, considering the requirements of the Applicants, they are permitted to withdraw 40% of the amount of compensation deposited by the Appellant-Insurance Company in the Tribunal, subject to furnishing the usual undertaking.

4. Liberty is granted to the Applicants to file fresh application for withdrawal of the compensation amount, as and when necessity arises.
5. Civil Application is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]