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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.944 OF 2018
IN
FIRST APPEAL NO.1142 OF 2017**

Smt. Maherun Maula Shaikh and ors ... Applicants

In the matter between

ICICI Lombard General Insurance
Co.Ltd ... Appellant.

V/s.

Smt. Maherun Maula Shaikh and ors ... Respondent

Mr. Yuvraj P.Narvankar, for applicants.

Ms. Deepika Prabhala, i/by Res Juris for the
appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for the applicants and learned
counsel for the appellant Insurance Company.

2] This application is preferred by the original claimants
seeking withdrawal of the amount of compensation, which is
deposited by the Insurance Company in the Tribunal.

3] The submission of learned counsel for appellant is that the
death of the deceased was on account of homicide as the cleaner of
another truck has assaulted on the head of deceased with iron bar.

F.I.R. to that effect is lodged. Moreover, the deceased was also under the influence of alcohol and hence, the appellant Insurance Company has challenged the award passed by the Tribunal.

4] I have perused the award. It can be seen that actual cause of death was on account that the deceased come under the wheels of tempo. Therefore, at this prima facie stage, in the opinion of this Court, applicants are permitted to withdraw 30% amount of compensation considering their requirement, subject to filing of usual undertaking.

5] Application is disposed off.

[DR.SHALINI PHANSALKAR-JOSHI, J.]