

vks

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

**CIVIL APPLICATION NO.3115 OF 2018
IN
FIRST APPEAL (ST) NO.6305 OF 2016**

Narayan Chindhu Gaikwad and ors ... Applicants.

In the matter between

National Insurance Co. Ltd ... Appellant.
V/s.

Narayan Chindu Gaikwad
and ors ... Respondents

Mr. T.J. Mendon, for the applicants.
Ms. Poonam Mittal, for the appellants.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 6th SEPTEMBER, 2018.

P.C. :

- 1] Heard learned counsel for the applicants and appellant.
- 2] This Civil Application is filed by original claimants for withdrawal of the amount of compensation. For the reasons stated in the application, it is submitted that the applicants are parents and brother of the deceased and now they have no other source of income.
- 3] Learned counsel for the applicant Insurance Company submits that the appellant has filed the appeal on the ground of quantum of compensation and also on the ground that insurance

policy was not valid. In view thereof, the claimants cannot be permitted to withdraw the entire amount of compensation.

4] However, considering their requirement, they are permitted to withdraw 50% amount of compensation awarded by the Tribunal, as apportioned by the Tribunal, alongwith proportionate interest accrued thereon, subject to furnishing usual undertakings by them.

5] Application is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]