

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2887 OF 2018
IN
FIRST APPEAL NO.384 OF 2017

Rukhamini Bhimrao Ghodake and Ors.	 Applicants
<i>In the matter between</i>	
Shriram General Insurance Co. Ltd., Naupada, Thane	 Appellant
<i>V/s.</i>	
Rukhamini Bhimrao Ghodake and Ors.	 Respondents

Mr. Rushikesh S. Kale for the Applicants.

Mr. Nikhil Mehta, I/by M/s. KMC Legal Venture, for the Appellant-Insurance Company.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER, 2018.

P.C. :

1. Heard Mr. Kale, learned counsel for the Applicants, and Mr. Mehta, learned counsel for the Appellant-Insurance Company.
2. This is an application filed by the Original Claimants seeking withdrawal of the entire amount of compensation.
3. However, considering that the defence is about the non-involvement of the insured vehicle itself, the entire amount of

compensation cannot be permitted to be withdrawn. Moreover, having regard to the requirements of the Applicants, the Applicants are permitted to withdraw 30% of the amount of compensation deposited by the Appellant-Insurance Company in the Tribunal, subject to furnishing of usual undertaking.

4. Civil Application is disposed off.

[DR. SHALINI PHANSALKAR-JOSHI, J.]