

vks

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

**CIVIL APPLICATION NO.2261 OF 2018
IN
FIRST APPEAL NO.1227 OF 2017**

Ganesh Suryakant Kamblekar .. Applicant.

In the matter between

United India Insurance Co.Ltd. ... Appellant
V/s.

Ganesh Suryakant Kamblekar
and ors Respondents

Mr. T. J. Mendon, for applicant.

Mr. Nikhil Mehta I/by KMC Legal Venture, for the
appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th OCTOBER, 2018.

P.C. :

1] This application is filed by the original claimant seeking
withdrawal of the entire amount of compensation.

2] Learned counsel for the appellant insurance company
submits that the Insurance Company has challenged the claim not
only on the ground of quantum of compensation but also in view of
the contributory negligence particularly considering that all the
police papers are against respondent No.1 injured.

3] In view thereof, considering the requirement of the applicant claimant, he is permitted to withdraw only 50% of the amount of compensation subject to furnishing of usual undertaking.

4] The application is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]