

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4089 OF 2017
IN
FIRST APPEAL (STAMP) NO.18254 OF 2016

Kirti Kailash Lohate and Ors.	 Applicants
<i>In the matter between</i>	
The New India Assurance Co. Ltd., Alibag, Raigad	 Appellant
<i>V/s.</i>	
Kirti Kailash Lohate and Ors.	 Respondents

Mr. T.J. Mendon for the Applicants.

Mr. H.G. Misar for the Appellant-Insurance Company.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 19TH SEPTEMBER, 2018.

P.C. :

1. Heard Mr. Mendon, learned counsel for Applicants, and Mr. Misar, learned counsel for the Appellant-Insurance Company.

2. This is an application seeking withdrawal of the entire amount of compensation deposited by the Appellant-Insurance Company with the Tribunal. Learned counsel for the Appellant-Insurance Company takes objection to the withdrawal of the said amount on the count that, the Appeal is preferred not only on the point of quantum of compensation, but also on the ground of breach of terms and conditions of the policy.

3. In view thereof, the Applicants cannot be permitted to withdraw the entire amount of compensation, but considering the requirement of the Applicants, the Applicants are permitted to withdraw only 30% of the amount of the compensation deposited with the Tribunal, subject to furnishing of the usual undertaking.

4. Civil Application is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]