

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**32 CIVIL APPLICATION NO.13419 OF 2019
IN FA/4060/2017**

**DAMODAR AALAMCHAND MURPANI AND ORS
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS
AUTHORIZED OFFICIAL AND ORS**

...
Advocate for Applicants : Mr. Bhokarikar Madhav M.
Advocate for Respondent no.1 : Mr. S. G. Chapalgoankar
...

CORAM : MANGESH S. PATIL, J.

DATE : 20.11.2019

PER COURT :

This is an application for withdrawal of the amount of compensation deposited by the appellant insurance company in this Court while preferring the first appeal.

2. The learned advocate for the insurance company submits that in fact there were several claim petitions arising out of the same accident. In three of such claim petitions, the tribunal had concluded that the accident had occurred due to rash and negligent driving of the other vehicle i.e. Maruti Van. It is only in the present claim that a different view has been taken by the Tribunal. The learned advocate further points out that since by the impugned award the owners and

insurers of both the vehicles have been held liable jointly and severally, one does not know if the claimants have recovered anything from the owner and the insurer of the other vehicle i.e. the Maruti Van.

3. The learned advocate for the claimants submits that the applicants have not received any compensation from the owner and insurer of the Maruti Van and a specific statement is made in paragraph one of the application that they have not recovered any thing towards the compensation.

4. Considering the aforementioned conspectus of the matter the applicants deserve to be allowed to withdraw 50% of the amount of compensation subject to usual terms and conditions.

5. The application is allowed only to the extent of applicants who are major, in the proportion decided in the award, subject to furnishing undertaking in usual terms and conditions.

(MANGESH S. PATIL, J.)

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