

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

59 CIVIL APPLICATION NO.14086 OF 2019
IN FAST/7423/2019

SAYYED GULAB SAYYED AMIN AND ANR
VERSUS
GORAKH PANDITRAO UBHEDAL AND ORS

...
Advocate for Applicants : S.S.Dargad h/f Deshmukh Mohit R.
Adv.Abhijit G. Choudhari For R/3

...
CORAM : MANGESH S. PATIL, J.
DATE : 04.12.2019

PC. :-

Heard both the sides. The learned advocate for the insurance company opposes the application. He submits that there is dispute about contribution since deceased was riding the motor cycle and the offending vehicle is a pickup van. He further submits that there was no concrete evidence before the Tribunal to even notionally hold income of the deceased to be Rs.9000/- p.m.

2] Having considered the entire judgment and award, in the peculiar facts and circumstances, in my considered view the applicants original claimants can only be allowed to withdraw 60% of the amount of compensation deposited in this Court by furnishing usual undertaking. The application is accordingly allowed and disposed of.

[MANGESH S. PATIL, J.]