

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

**44 CIVIL APPLICATION NO.13874 OF 2019
IN FA/1855/2019 WITH CA/7140/2019 IN FA/1855/2019**

**BALKISHAN GOPINATH LEMBHE
VERSUS
THE NEW INDIA ASSURANCE CO. LTD., THR ITS BRANCH MANAGER,
JALNA AND ORS**

...
Advocate for Applicant : Mr. Mayure Pramod C.
Advocate for Respondent no.1 : Mr. S.S. Dargad h/f. Mr. S. G.
Chapalgaonkar
...

CORAM : MANGESH S. PATIL, J.

DATE : 02.12.2019

PER COURT :

Heard both the sides.

2. It is a matter of collision between two vehicles. The Tribunal has apportioned the negligence to the drivers of both the vehicles equally.

3. Considering all the aforementioned aspects, it would be appropriate to allow the applicant who is original claimant to withdraw 75% of the amount deposited in this Court by the appellant insurance company. Application is accordingly allowed.

4. Applicant is allowed to withdraw 75% of the amount by furnishing usual undertaking.

(MANGESH S. PATIL, J.)