

vks

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

**CIVIL APPLICATION NO.66 OF 2019
IN
FIRST APPEAL NO.1044 OF 2016**

Mangilal Bhairaji Kharol and anr ... Applicant

In the matter between

Tata AIG General Insurance Co.Ltd. ... Appellant.

V/s.

Mangilal Bhairaji Kharol and ors ... Respondents

Mr. T. J. Mendon, for the applicant.

Mr. Devendranath Joshi for appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 17th JANUARY, 2019.

P.C. :

1] This application is filed by the original claimant for withdrawal of entire amount of compensation deposited by the Insurance Co. in the trial Court.

2] Considering that appeal is filed on both the counts of negligence and quantum of compensation, the applicant cannot be permitted to withdraw the entire amount. However, having regard to the requirements of the applicants, they are permitted to withdraw 50% of the amount of compensation on furnishing usual undertaking.

3] The application is disposed off.

[DR.SHALINI PHANSALKAR-JOSHI, J.]