

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO.8015 OF 2020
IN FA/1767/2020

MEENABAI DILIP JAGTAP AND ORS
VERSUS
CHOLAMANDALAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AURANGABAD

Mr.P.K.Ippar h/f. Mr.S.J.Salunke, Advocate for the
applicants.

Mr.S.G. Chapalgaonkar, Advocate for the respondent.

CORAM : V.L.ACHLIYA,J.

DATED : 08.12.2020

P.C. :-

01. The applicants-claimants have moved this
application seeking withdrawal of amount.

02. Mr. Chapalgaonkar, learned counsel for the
appellant-insurance company submits that the challenge
raised in the appeal confines to the aspect of composite
negligence. It is submitted that while assessing the
compensation, the Tribunal has not considered the case of
composite negligence and fastened the liability entirely
against respondent Nos.1 to 3.

03. On the other hand, learned counsel for the
applicants-claimants supported the judgment and award and
submits that the appeal filed by the appellant is devoid

of merit. The tribunal has considered the aspect in minute detail and accident was occurred solely on account of negligence on the part of the driver of the vehicle insured with the appellant.

04. On due consideration of submissions advanced, I am of the view that following order would meet the ends of justice.

i. Out of amount deposited, the applicants are permitted to withdraw an amount of Rs.5,00,000/- (Rupees Five Lakhs). Out of amount of Rs.5,00,000/-, an amount of Rs.3,00,000/- (Rupees Three Lakhs) be paid to applicant No.1 and Rs.1,00,000/- (Rupees One Lakhs) each be paid to applicant Nos.2 and 3.

ii. Balance amount be invested in the fixed deposit in any nationalized bank till disposal of the appeal.

iii. The interest accrued over the amount invested in fixed deposit be paid to applicant No.1 after regular interval of three months by transferring the amount in her saving bank account, to be utilized for maintenance of herself and taking care of applicant Nos.2 and 3.

iv. The amount to be paid to be applicants shall be subject to the final outcome of the appeal. The payment be made on furnishing written undertaking by the applicants that in the event the award is set aside or modified and they are required to re-deposit the amount, they shall deposit the same within eight weeks from

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the date of passing of such order.

5. The civil application is disposed of in above terms.

[V.L.ACHLIYA,J.]