

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

**CIVIL APPLICATION NO. 6729 OF 2021  
IN  
FIRST APPEAL (ST) NO. 12976 OF 2019**

Ram @ Ramrao Narhari Kondawar

**...Applicant**

**Versus**

ICICI Lombard General Insurance Co. Ltd.,  
through its Legal Manager, Aurangabad.

**...Respondents**

.....  
Smt. Pratibha J. Bharad, Advocate for the applicant  
Shri. Abhijit T. Choudhari, Advocate for respondent  
.....

**CORAM : R. G. AVACHAT, J.  
DATE : 26<sup>th</sup> JULY, 2021**

**PER COURT : -**

1. Heard learned Counsel appearing on behalf of the respective parties.

2. The learned Counsel for the respondent-Insurance Company objected to on the ground that, it is the driver of the other vehicle involved in the accident, who is solely responsible thereto. The Tribunal has held that, it is the case of joint and several liability.

3. It is found to be a case of composite negligence. The apportionment of the liability can be considered in this appeal so far as the applicant being a third party, is entitled to receive the amount under the award. In view of the same, the applicant is permitted to withdraw 75% of the amount deposited in this Court, on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

4. Civil Application No. 6729 of 2021 for withdrawal of the amount, is accordingly disposed of.

**[ R. G. AVACHAT ]**  
**JUDGE**