

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

**CIVIL APPLICATION NO. 6435 OF 2021
IN
FIRST APPEAL NO. 123 OF 2021**

Parvin @ Salima Ismail Shaikh ... Applicant
Versus
Virambhai Bachchubhai Gangani and others ... Respondents

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Mr. N. B. Patekar, Advocate for applicant
Mr. S. R. Bodade, Advocate for respondent No.2
Mr. H. V. Dhage, Advocate for respondent No.3

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CORAM : R. G. AVACHAT, J.

DATED : 13th AUGUST, 2021

PER COURT :-

. Heard. Perused the impugned award.

2. Learned Advocate for the appellant – insurance company would submit that the disability certificate has been issued by a doctor, who didn't treat the claimant. The medical bills have not been proved. The owner of the traveller vehicle has not been made party to the claim petition. According to him, the appellant has a very good case in appeal.

3. The claim was third party. It appears to be the case of composite negligence. The liability would, therefore, be joint and several.

4. In the fitness of things, the applicant is permitted to withdraw 60% of the amount deposited in this Court, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5. The amount be paid to the applicant as against her name appearing on the Aadhar Card.

6. The civil application stands disposed of accordingly.

[R. G. AVACHAT, J.]

SMS