

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

**CIVIL APPLICATION NO. 6899 OF 2020
IN
FIRST APPEAL STAMP NO. 514 OF 2020**

Sudam Ankush Shinde and others ... Applicants

Versus

The Branch Manager

The New India Insurance Co. Ltd. and others ... Respondents

....

Mr. Dnyaneshwar A. Bide, Advocate for the applicants

Mr. M. M. Ambhore, Advocate for respondent No.1

....

CORAM : R. G. AVACHAT, J.

DATED : 09th JULY, 2021

PER COURT :-

. Heard. Perused the impugned award.

2. Both the insurance companies and the respective owners of the vehicles are held jointly and severally liable to pay the amount of compensation under the award. One of the insurance companies has accepted the award. It has not preferred any appeal. The said insurance company had deposited 50% of the amount of compensation under the award. The same has already been withdrawn by the claimants. The respondent company in appeal, has

also deposited 50% of the amount of compensation under the award. If this company succeeds in appeal, it may be entitled to recover the amount which it has paid from the other insurance company, which has accepted the award. In view of the same, the applicants are permitted to withdraw 50% of the amount out of the deposited amount in this Court by the appellant – insurance company. Hence, following order:-

ORDER

- (i) The civil application is partly allowed.
- (ii) The applicants are permitted to withdraw 50% of the amount out of the deposited amount by the appellant – insurance company, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) The amount be paid in proportion as has been made in Clauses (iv) and (v) of the operative order of the award.
- (iv) Balance 50% amount be invested in fixed deposit in any nationalised bank till disposal of the appeal.

[R. G. AVACHAT, J.]