

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CIVIL APPLICATION NO.7400 OF 2020
IN FA/3243/2019 WITH CA/12057/2019 IN FA/3243/2019

RENUKABAI SHIVAJI CHAVAN AND ORS
VERSUS
RELIANCE GENERAL INSURANCE CO. LTD., THR ITS MANAGER AND
ANR

Mr.S.B. Choudhari, Advocate for the applicants.
Mr.S.S. Patil, Advocate for respondent No.1.
Mr.S.B. Bhosale h/f. Mr.S.J. Salgare, Advocate for
respondent No.2.

CORAM : N.J.JAMADAR, J.
DATE : 02.03.2021

PC :-

01. Heard learned Counsel for the applicants and
learned counsel for respondent No.1 - insurer.

02. The applicant seeks withdrawal of the amount of
compensation deposited by respondent No.1 - insurer in
terms of judgment and award dated 10.05.2019 in MACP
No.227 of 2016. The applicants are dependents of the
deceased. There are averments in the application in
justification of the prayer of withdrawal.

03. Learned Counsel for respondent No.1 resisted the
prayer on the ground that despite recording categorical
finding that the deceased was responsible for the

accident, the Tribunal has apportioned the blame in proportion of 75% and 25%, unjustifiably.

04. In the backdrop of the aforesaid submissions and the observations in the impugned judgment, it may be expedient to allow the applicants to withdraw 50% of the amount deposited by respondent No.1.

Hence, following order :-

The applicants are entitled to withdraw 50% of the amount deposited along with interest accrued thereon on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

[N.J.JAMADAR,J.]