

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION (STAMP) NO.7924 OF 2019 WITH
CIVIL APPLICATION NO.2200 OF 2019
IN
FIRST APPEAL NO.1159 OF 2018 WITH
FIRST APPEAL NO.1159 OF 2018**

Smt. Kajal Babasaheb Jadhav and ...Applicant
Ors.

Versus

Shriram General Insurance Co.
Ltd. ...Respondents

....

Mr. Kuldeep Nikam, with Mr. Sarwadnya Kadatane for the Applicant.
Mr. Nikhil Mehta i/b. M/s. KMC Legal Venture for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th JUNE, 2021.

P.C.:-

CIVIL APPLICATION (STAMP) NO.7924 OF 2019:-

The Applicants, who are the original claimants have sought withdrawal of compensation deposited by the Appellant-Insurance Company as per the judgment and award dated 06/04/2018 in M.A.C.P. No.192 of 2016.

2. By the impugned judgment and award the Claims Tribunal has awarded compensation of Rs.24,46,800/- with interest @ 9% p.a. from the date of the petition till its realisation.

3. The Claims Tribunal has ordered to pay total amount of Rs.5,46,800/- in favour of the widow and Rs.7,00,000/- each in favour of the Applicant Nos.2 and 3 being minor. An amount of Rs.2,50,000/- each was ordered to be paid to Respondent Nos.4 and 5 being parents of the deceased. The Appellant-Insurance Company has challenged the impugned judgment mainly on the ground of contributory negligence and have also challenged computation of compensation payable to the Applicants.

4. Having considered the grounds raised in the appeal memo as well as reasons stated in the application, Applicant No.1 being widow of the deceased is permitted to withdraw an amount of Rs.2,50,000/- and Applicant No.4 is permitted to withdraw an amount of Rs.1,00,000/-. Applicant No.5 has expired and Applicant Nos.2 and 3 are minor and hence, I am not inclined to allow withdrawal of any amount on their behalf at this stage.

5. Application stands disposed of.

6. Suffice it to say that withdrawal shall be subject to final outcome of the appeal.

CIVIL APPLICATION NO.2200 OF 2019:-

7. Not on board. Taken on board.
8. The Appellant-Insurance Company has filed this application for deleting the name of Respondent No.5 stating that Respondent No.5 has expired during the pendency of the appeal. Mr. Mehta, learned counsel representing Respondent Nos.1 to 4 has no objection. He states that Respondent No.5 was original claimant No.5 and his legal representatives are already on record as Respondent Nos.1 to 4.
9. Under the circumstances, application is allowed. Cause title be amended within a period of four weeks.

FIRST APPEAL NO.1159 OF 2018 :-

10. Appeal be listed for admission on **26/07/2021**.

(SMT. ANUJA PRABHUDESSAI, J.)