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922- C.A. No. 2524-2022

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

**CIVIL APPLICATION NO. 2524 OF 2022
IN
FIRST APPEAL NO. 3239 OF 2021**

Anuradha W/o Mahendra Chetti
And Others

.. Applicants

Versus

The Reliance General Insurance Co. Ltd,
Through its Officer, Aurangaba and
Others.

... Respondents

...
Advocate for the Applicant : Mr. K. N. Shaikh
Advocate for Respondents : Mr. S. S. Patil
....

CORAM : VINAY JOSHI, J.

DATE : 23-02-2022

P. C.

. This is an application seeking for withdrawal of compensation amount. It is death claim of minor son of applicants aged 16 years. While minor was riding a two wheeler Activa Scooter, there was dash with a truck in which minor died on the spot. The claim was made by the parents of the deceased against the driver, owner and insurer of offending truck. The tribunal held sole negligence of truck driver and assessed compensation to the tune of Rs. 9, 37,200.-.

2. The learned counsel appearing for the Insurance Company resisted this application mainly contending that it is pure case of contributory negligence. He would submit that the minor without having valid driving licence was riding two wheeler on public road. He had no skill to drive two wheeler and therefore it is case of contributory negligence.

3. Having regard to the said defence, it is appropriate to permit the applicants to partially withdraw the amount at this stage. It is informed that Insurance company has deposited amount of Rs. 10, 35,307/- in this Court. In view of that at present 50% of the deposited amount be disbursed to both the applicants in equal proportion.

4. Applicants to furnish usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

5. Application disposed of.

[VINAY JOSHI, J.]

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