

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

INTERIM APPLICATION NO. 18810 OF 2022

IN

FIRST APPEAL (ST) NO. 20711 OF 2013

Lakhan Sukumar Londhe .. Applicant

In the matter between

National Insurance Company Ltd. ..Appellant.

v/s.

Lakhan Sukumar Londhe & Ors. ..Respondents

Mr. Atul Gatne for the Appellant-Insurance Co.
Mr. S.G.Thorat for the Applicant- Org. Claimant
Mr. Misar for the Respondent No.6.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 11th NOVEMBER, 2022.**

P.C.

1. The Applicant-Original Claimant has sought withdrawal of the compensation deposited by the Appellant Insurance Company.
2. The Claims Tribunal, Jaisingpur, Kolhapur has held that it was a case of composite negligence and has directed the Appellant and Respondent Nos.4, 5 and 6 to pay the compensation.
3. The issue is only relating to apportionment. Since there is no challenge to the quantum of compensation, the Applicant original Claimant is permitted to withdraw the compensation with accrued interest, deposited by the Appellant insurance company, subject to filing

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an undertaking that the amount along with interest will be refunded, in the event it is held that the Appellant insurance company is not liable to pay the compensation.

4. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)