

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

925 CIVIL APPLICATION NO.8266 OF 2023

IN FAST/22435/2022

VIDYA SANJAY TALIKUTE

VERSUS

THE ORIENTAL INSURANCE CO.LTD

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Advocate for Applicant : Mr. H. B. Nandagavale

Advocate for Respondent : Mr. M.K Goyanka

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CORAM : S. G. CHAPALGAONKAR, J.

Dated: July 07, 2023

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PER COURT :-

1. By this application, the applicant is seeking permission to withdraw the amount deposited by the appellant/insurance company.
2. Contention of the appellant/insurer is that, the Tribunal has erroneously decided the issue of negligence. Although, charge-sheet was filed against the driver of the car, entire liability to pay the compensation is fixed against the owner and insurer of the truck.
3. Learned advocate appearing for the applicant/original claimant would submit that in case of composite negligence and interse liability amongst the joint tortious can be considered by this Court at the time of final hearing of the appeal, however, for that purpose, entitlement of the claimant cannot be disputed.
4. Considering the submissions advanced, the applicant is permitted to withdraw 50% of the amount deposited by the appellant/insurance company alongwith the accrued interest thereon, subject to furnishing of usual undertaking before the Registrar (J) of this court.
5. Civil application is disposed off.

(S. G. CHAPALGAONKAR, J.)