

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

FIRST APPEAL NO. 887 OF 2014

New India Assurance Co. Ltd. Aurangabad
Through its Divisional Manager
Aurangabad .. Appellant

Versus

Balaji Dnyandev Shinde and another .. Respondents

**WITH
FIRST APPEAL NO. 307 OF 2014**

New India Assurance Co. Ltd. Aurangabad
Through its Divisional Manager
Aurangabad .. Appellant

Versus

Aarti Balaji Shinde and another .. Respondents

**WITH
FIRST APPEAL NO. 309 OF 2014**

New India Assurance Co. Ltd. Aurangabad
Through its Divisional Manager
Aurangabad .. Appellant

Versus

Sagar Balaji Shinde and another .. Respondents

Shri S. G. Chapalgaonkar, Advocate for the Appellant in all matters.

Shri G. M. Shingare, Advocate for the Respondent No. 1 in all matters.

Shri S. G. Kawade, Advocate for the Respondent No. 2 in all matters.

CORAM : S. V. GANGAPURWALA, J.

DATE : 30TH SEPTEMBER, 2015.

PER COURT :

. By separate order I have allowed civil application for additional evidence. The said additional evidence would be relevant which the Tribunal would be required to considered. So also opportunity will have to be given to the respective parties to explain about the said statement.

2. In the light of the above, it would be appropriate to remand the matters to the Tribunal for fresh consideration.

3. In the light of the above, the impugned judgments and awards are quashed and set aside. The Motor Accident Claim Petitions are restored to their original position. The appellant shall file certified copy of the said deposition in the claim petitions. The parties are entitled to adduce evidence in respect of said additional evidence. The evidence which is already recorded shall also be relied by the Tribunal. The parties shall appear before the Tribunal on 30.10.2015. The Record and

Proceedings be sent back immediately to the concerned Tribunal. The amount deposited by the appellant be transmitted to the concerned Tribunal, to be kept in fixed deposit till the pendency of the claim petitions. The Tribunal shall endeavour to decide the claim petitions expeditiously and preferably within a period of eight (8) months from the date of appearance of parties. The first appeals are disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Sept. 15