

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

**CIVIL APPLICATION NO. 3772 OF 2014
IN
FIRST APPEAL NO. 887 OF 2014**

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

Versus

Balaji Dnyandev Shinde and another .. Respondents

**WITH
CIVIL APPLICATION NO. 1222 OF 2014
IN
FIRST APPEAL NO. 307 OF 2014**

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

Versus

Aarti Balaji Shinde and another .. Respondents

Shri S. G. Chapalgaonkar, Advocate for the Applicant in both matters.

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

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

**CORAM : S. V. GANGAPURWALA, J.
DATE : 30TH SEPTEMBER, 2015.**

PER COURT :

. These appeals are arising out of the same accident. While arguing the appeals, the learned counsel for the appellant submitted that, the appellant has filed applications for additional evidence in the nature of deposition of claimant Balaji in the criminal case. The said deposition would be relevant fact. In the said deposition the claimant Balaji had specifically stated that, he is not aware of the number of the vehicle which had given dash to his vehicle. According to the learned counsel, the same would be relevant evidence. The same was not available with the appellant at the time of proceedings before the Tribunal.

2. I have also heard the learned counsel for respondents. The said deposition is prior to filing of the present claim petitions. Naturally the said evidence would be relevant. Of course, the claimants will have every right to explain regarding said statement. However, it cannot be disputed that the said statement would be relevant for consideration of claim petitions.

3. In the light of the above, applications for production of additional evidence are allowed. The civil applications are disposed of.

[S. V. GANGAPURWALA, J.]