

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

922 CIVIL APPLICATION NO. 294 OF 2016

IN FA/1461/2014

ASHIYA SALIM SAYYAD AND OTHERS

VERSUS

ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD.
CHENNAI AND ANR

Shri. V.P. Latange, Advocate, for the applicants.

Shri. A.S. Deshpande, Advocate, for the respondent No.1.

CORAM: T.V. NALAWADE, J.

DATE : 13th JANUARY 2016

ORDER:

1) Notice. Learned counsel for the insurance company waives notice. Heard both the sides.

2) Learned counsel for the insurance company has strongly opposed the application by contending that it was not a sheer accident. There is allegation against the driver of the offending vehicle that he had driven the truck against the deceased by dragging the deceased

and it was a case of homicidal death. This Court has seen the reasoning given by the Tribunal. Involvement of the offending vehicle is not disputed. In view of these circumstances this Court holds that permission needs to be granted.

3) The application is allowed. Disbursement is to be made after giving undertaking by the applicants as per the order made by the Claims Tribunal. List the appeal itself for final disposal on 11th February 2016. Print and paper book is dispensed with.

Sd/-
(T.V. NALAWADE, J.)

rs1