

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 1645 OF 2017
IN FA/901/2017

RIJWANA ASLAM SHAIKH AND ORS
VERSUS
HDFC ERGO GENERAL INSURANCE CO. LTD. AND ANR

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Advocate for Applicants : Mr. Rajendra P. Phatke.

Advocate for Respondent No.1 : Mr. S. G. Chapalgaonkar.

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CORAM : **V. K. JADHAV, J.**

DATE : 24th March, 2017.

P.C.:

. Heard both the sides.

2 The learned counsel for Respondent / Insurer has strongly resisted the application on the ground that involvement of the vehicle in the accident has been denied and the Respondent / Insurer has examined the driver of the vehicle allegedly involved in the accident. The learned counsel submits that after disposal of the claim petition by the Tribunal, it was revealed that the said driver was also holding fake driving licence and the application is also filed for permission to lead additional evidence.

3 The learned counsel for Applicants submits that the breadwinner of the family has met with an accidental death and though the vehicle

was involved in the accident, the said driver has failed to inform the police. The said driver himself has taken the deceased to the various hospitals after the accident.

4 In view of the above submissions and for the reasons that the breadwinner of the family met with an accidental death, the Applicants are permitted to withdraw 50% of the amount deposited before this Court on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

5 Civil application is accordingly disposed of.

[V. K. JADHAV, J.]

ndm