

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

CA/3628/2017 IN FA/3231/2016

ANASAHEB BALASAHEB TAMBE
versus
M/S ORIENTAL INSURANCE CO. LTD.AND OTHERS.

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Advocate for Appellant : Mr Karpe Rahul R.

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CORAM : V.K. JADHAV, J.
Dated: March 29, 2017

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PER COURT :-

1. Heard the learned counsel for the applicant.
2. The learned counsel for the applicant submits that the applicant had sustained permanent disablement to the extent of 35% and incurred huge medical expenses.
3. The learned counsel for the appellant insurer is absent. Even absence of the learned counsel for the appellant-insurer is marked on last date also.
4. It has been specifically contended in the grounds of the appeal that the complaint was lodged belatedly and therefore, involvement of the vehicle in the accident is doubtful. It appears from the impugned judgment and award that though the complaint was filed belatedly i.e. after

a period of one month of the accident and after due investigation charge sheet came to be submitted before the Court, respondent owner has not denied happening of the accident. On the other hand, respondent owner has failed to contest the claim petition. It further appears from the impugned judgment and award that the insurer has not raised a specific plea about the non-involvement of the vehicle in the accident and further in collusion with the respondent-owner, claimant has filed claim petition before the Tribunal.

5. In view of the above, the claimant is permitted to withdraw 50% amount deposited before this Court on furnishing undertaking to the satisfaction of the Registrar Judicial. Civil application accordingly disposed of.

(V.K. JADHAV, J.)

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