

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

CIVIL APPLICATION NO. 10258 OF 2017
IN
FIRST APPEAL ST. NO. 16846 OF 2017

Sanjay s/o Vishnu Wakchaure ... Applicant

VERSUS

Bajaj Allianz General
Insurance Co. Ltd. & anr. ... Respondents

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Mr. K.N.Shermale, advocate for the applicant
Mr. S.G.Chapalgaonkar, advocate for resp. no.1

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CORAM : K.L.WADANE, J.
DATED : 23rd AUGUST, 2017

O R D E R :

This is an application for withdrawal of amount of compensation deposited by the respondent in this Court.

2. Learned counsel appearing for the respondent Insurance Company has strong objection to pay the amount of compensation on the ground that involvement of the vehicle in the accident has not been proved, and therefore, the finding recorded by the learned Tribunal is wrong.

3. I have perused the reasons recorded by the learned Tribunal in para no.12, wherein it is specifically mentioned that after the accident the petitioner was hospitalized and in his statement immediately recorded on 8.5.2004 he had given the number of car involved in the accident as MH-15/AH-207. If really he was not knowing the car number the same will not find place in his immediate report. So from the reasons recorded by the learned Tribunal, there appears prima facie involvement of the vehicle.

4. In addition to that, today learned counsel appearing for the applicant has produced on record a copy of statement of injured dated 8.5.2004. This statement is taken on record and marked 'X' for identification purpose.

5. I have carefully gone through the contents of the statement, in which not only registration number of the vehicle is mentioned, but there appears the description of the car mentioned namely Indica Car. So the description and registration number of vehicle involved in the

accident exactly tallies with number and description mentioned by the injured petitioner.

6. In view of above, the applicant is permitted to withdraw 75 (seventy five) per cent of the amount of compensation deposited in this Court along with accrued interest.

7. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm