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

**CIVIL APPLICATION NO.1989 OF 2017
IN
FIRST APPEAL NO.5 OF 2016**

HDFC ERGO General Insurance
Co.Ltd., through its
Claims Manager, Mumbai .. Appellant

Versus

Smt. Lilabai w/o Govindrao
Galdhane and ors. .. Respondents

Mr A.J. Pophaly, Advocate for appellant
Mr P.R. Agrawal, Advocate for respondents no.1,2 &
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CORAM : N.W. SAMBRE, J.

DATE : 5th MAY, 2017

ORAL ORDER :

1. This is an application for withdrawal of amount, which is strenuously opposed by learned Counsel for appellant-Insurance Company on the ground that the policy on which reliance is placed is fake policy.

2. Perused the judgment delivered by the Motor Accident Claims Tribunal, Wardha. There is finding recorded that the present appellant has failed to

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prove that the policy was fake policy as neither the Form which was submitted by the vehicle owner for carrying out issuance of vehicle was produced nor any competent witness in support thereof was examined.

3. In view thereof, in my opinion, the claimants are entitled for withdrawal of the amount to the extent of 75% upon furnishing usual undertaking to the satisfaction of the Registrar (Judicial).

4. Civil Application stands allowed accordingly.

(N.W. SAMBRE, J.)

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