

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

34 CIVIL APPLICATION NO.12990 OF 2019
IN FA/1084/2019

RAMSINGH SHRIRAMSINGH THAKUR
VERSUS
M/S. SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AURANGABAD AND ORS

...

Advocate for Applicant : Taher Ali Quadri
Adv.S. G. Chapalgoankar For R/1

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CORAM : MANGESH S. PATIL, J.
DATE : 04.12.2019

PC. :-

Heard both the sides.

2] The learned advocate for the insurance company strongly opposes the application. He submits that there is serious dispute about involvement of the truck insured with it. The FIR was initially registered against an unknown vehicle and it is only lateron that this truck has been involved. There is no sufficient evidence led before the Tribunal about identity of the offending vehicle, therefore, the applicant may not be allowed to withdraw anything.

3] Considering the fact that it is an injury claim and the Tribunal has also *prima facie* given some plausible reasons concluding as to how the truck insured with this insurance company was involved in the accident. In my

considered view applicant deserves to be paid 75% of the amount deposited in this Court.

4] The applicant is allowed to withdraw 75% of the amount deposited in this Court by furnishing usual undertaking.

[MANGESH S. PATIL, J.]

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