

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

68 CIVIL APPLICATION NO.1629 OF 2019
IN FA/3553/2018 WITH CA/14404/2018 IN FA/3553/2018

UJJAWALA GOPINATH GHANE AND ORS
VERSUS
RELIANCE GENERAL INSURANCE CO. LTD., THR ITS
MANAGER, AURANGABAD

...

Advocate for Applicant : Mr. Sachin Deshmukjh, Adv.
h/for Mr. Shaikh Majit S;
Mr. SS Patil, Adv. For Resp.no.1.

CORAM : P.R. BORA, J.
DATED : 28th January, 2019.

PER COURT:-

1. Heard Shri Sachin Deshmukh, learned counsel appearing for applicants and Shri Swapnil Patil, learned counsel appearing for respondent insurance company.

2. The impugned Award is challenged by the appellant insurance company on several grounds. However, the main ground, as has been contended by Shri Patil is, involvement of the vehicle in the alleged accident. It is his contention that the vehicle insured with the appellant insurance company has been falsely implicated in the occurrence of the alleged accident. It is also contended that the FIR of the alleged accident came to be lodged after 32 days of the alleged accident, which creates prima facie doubt about the involvement of the vehicle insured with the appellant insurance company.

3. Shri Deshmukh, learned counsel for the applicants submitted that the delay was

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sufficiently explained by the applicant, who is wife of the deceased, who lost his life in the accident. The learned counsel further brought to my notice that the witness examined by the insurance company, i.e. owner of the vehicle insured with the appellant insurance company, has himself admitted involvement of the vehicle in the alleged accident.

4. After having considered the submissions, I find it appropriate to pass the following order,
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ORDER

i. The applicants are permitted to withdraw 50% of the deposited amount along with interest accrued thereon on submitting an undertaking to the satisfaction of Registrar of this Court.

ii. Balance 50% amount be invested in FDR of any nationalize bank for the period till disposal of the appeal.

5. Call R and P.

6. Hearing of the appeal is expedited.

7. List the appeal for final disposal at admission stage after six weeks.

(P.R. BORA)
JUDGE

bdv