

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.5688/2020
IN FIRST APPEAL NO.1814/2020

IFFCO-TOKIO GENERAL INSURANCE CO. LTD, LOCAL OFFICE AT
SHAHNOORMIYAM DARGA ROAD, AURANGABAD.

VERSUS

SHABDARBEGUM ISMAIL KHAN PATHAN AND OTHERS.

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Shri V.N. Upadhye, Advocate for applicant / appellant.

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CORAM: V.L. ACHLIYA, J.

DATE: 10.09.2020

PER COURT :

- 1] Heard learned counsel for the applicant / appellant.
- 2] In brief, it is the contention of learned counsel for the applicant / appellant that the appellant has good case to succeed in appeal. The complaint came to be lodged in respect of unknown vehicle. After three months of the accident, the vehicle insured with the appellant was shown to be involved in the accident. It is the contention of learned counsel for the appellant that the vehicle insured with the appellant was not involved in the accident and the claimants have failed to prove involvement of the vehicle in the accident. It is submitted that the award passed by the Tribunal against the applicant / appellant is not sustainable in law.
- 3] On instructions, the learned counsel for the applicant /

appellant submits that the appellant is ready to deposit the amount in this Court in terms of award passed by the Tribunal within eight weeks. The statement made by the appellant through Advocate is accepted.

4] In view of the statement made, the application is allowed in terms of prayer clause (A) subject to deposit of amount in terms of award in this Court within eight weeks. On failure to deposit the amount within eight weeks, the stay granted to the execution of award shall stand vacated unless the time to deposit the amount is extended before the due date.

5] The application be marked as disposed of in above terms.

(V.L. ACHLIYA, J.)