

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

**982 CIVIL APPLICATION NO.2511 OF 2021
IN FAST/14337/2020**

DWARKABAI VITHAL VEER AND ORS
VERSUS

DIVISIONAL BR.MANAGER, NATIONAL INSURANCE CO. LTD., THR ITS
AUTHORIZED OFFICIAL, AURANGABAD AND ANR

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Advocate for Applicants : Shri M.R.Sonawane
Advocate for Respondent No.1 : Shri Aniruddha S. Usmanpurkar

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**CORAM : M. G. SEWLIKAR, J.
Date: February 17, 2021**

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PER COURT :-

1. Heard.
2. Shri A.S.Usmanpurkar, learned counsel for respondent No.1 submitted that there is delay of 8 days in lodging the FIR. The Insurance Company is challenging the involvement of the vehicle on the ground that there is no eye witness to the incident. Only on the basis of Police papers, the involvement of the vehicle is held to be proved by the Tribunal. He further submitted that the compensation has also been awarded on higher side. He submitted that there was head on collision between the two vehicles. The other vehicle was uninsured. Therefore, by collusion, the entire responsibility is tried to be thrust on the appellant Insurance Company.
3. Having considered the submissions, I deem it appropriate to allow the applicants to withdraw the amount of compensation to the extent of 40% of the amount deposited on giving personal undertaking on usual terms.

(M. G. SEWLIKAR, J.)