

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

**CIVIL APPLICATION NO. 6596 OF 2021
IN
FIRST APPEAL NO. 1181 OF 2021**

Janabai Sukhdeo Gayake and Another

..APPLICANTS

VERSUS

HDFC ERGO General Insurance Co. United
and Others

..RESPONDENTS

....

Mr. U.U. Wagh, Advocate for applicants

Mr. M.R. Deshmukh, Advocate for respondent no.1

Mr. C.K. Shinde, Advocate for respondent nos. 2 and 3

Mr. Dhananjay Deshpande, Advocate for respondent no.4

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**CORAM : R.G. AVACHAT, J.
DATED : 31st AUGUST, 2021**

PER COURT :

1. Heard. Perused the impugned award.
2. The accident took place a day before the policy of insurance was issued. There was however, on record cover note indicating the date of the accident to have been covered. It is the case of insurance company that said cover note is of fabricated document. It appears that the tribunal has passed order of pay first and recover the amount from the owner of the vehicle involved in the accident.

3. In the fitness of things, the applicants are permitted to withdraw 60% of the amount in deposit as against usual undertaking to the satisfaction of Registrar (Judicial) of this Court. Balance amount be invested in fixed deposit with any nationalised bank till disposal of appeal. Civil application stands disposed of accordingly.

(R.G. AVACHAT, J.)

SSD