

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

**CIVIL APPLICATION NO.8884 OF 2021 IN
FIRST APPEAL NO.2199 OF 2020**

Santosh s/o Shivaji Padwal

... **APPLICANTS**

VERSUS

The New India Assurance Company Ltd.
and others

... **RESPONDENTS**

.....

Mr. V.B. Deshmukh, Advocate for applicant

Mr. S.R. Bodade, Advocate for respondent No.1.

.....

CORAM : R. G. AVACHAT, J.

DATE : 24th September, 2021

PER COURT :

Heard. Perused the impugned award. Learned counsel for the appellant Insurance Company submits that, the truck was stationary at the extreme left of the road. The jeep had no insurance cover. The truck has been roped in. It was in fact the fault on the part of the jeep driver.

2. The Tribunal has observed that, the truck was stationary at the middle of the road. The scene of accident panchanama, however, depicts other way round. In the fitness of things, the applicant is permitted to withdraw 60% of the amount deposited on furnishing usual undertaking. Civil Application is disposed of.

**(R. G. AVACHAT)
JUDGE**

fmp/-