

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

FIRST APPEAL NO.5211 OF 2017
WITH
CIVIL APPLICATION NO.1959 OF 2020
WITH
CIVIL APPLICATION NO.10048 OF 2015
(Varsha Kamlakar Khade and others
Versus
Bhagwan Ranuji Jadhav and others)

Mr.D.P.Deshpande, Advocate for appellants
Mr.S.G.Chapalgaonkar, Advocate for respondent no.2
Mr.V.P.Savant, Advocate for respondent no.3

**CORAM : R.G. AVACHAT, J.
DATE : OCTOBER 20, 2021**

ORDER :-

Heard learned counsel for the parties.

2. The appellants have moved an application for production of additional evidence.
3. Learned counsel for the parties are at *ad idem* to have the matter remanded back to the Tribunal for deciding it afresh after the appellants are given an opportunity to lead additional evidence and necessarily, the respondent-insurance company and the owner of the vehicle, to produce evidence, if any, in rebuttal.

4. In view of the above, the appeal is allowed. The award impugned in this appeal is set aside. The matter is remanded back to the Tribunal for deciding it afresh after giving the parties an opportunity to lead additional evidence in proof of their respective claim.

5. The amount of compensation is said to have been received by the applicants/claimants. If the claim is allowed, due set off shall be given thereto.

6. Pending Civil Applications stand disposed of.

[R.G. AVACHAT, J.]

KBP