

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

32 CIVIL APPLICATION NO.8481 OF 2020
IN FA/84/2021

SALONI LOTAN THORAT (MINOR) U/G OF KALABAI JAGAN JAGDEO
VERSUS
BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, AURANGABAD

...
Advocate for Applicant : Smt. Sabahat T. Kazi
Advocate for Respondent No. 1 : Shri Mohit R. Deshmukh h/f Shri S.G.
Chapagaonkar
...

CORAM : M. G. SEWLIKAR, J.

DATE : 15th FEBRUARY, 2021.

PER COURT :

1. Heard Smt. Kazi, learned counsel for the applicant and Shri Deshmukh, learned counsel h/f for Shri Chapalgaonkar, learned counsel for the respondent No.1.
2. Shri Deshmukh, submits that the involvement of the vehicle itself is in question. In the A.D. report the brother of the deceased did not mention the number of the vehicle involved in the accident. Surprisingly, after 41 days FIR came to be lodged in which the number of the vehicle is mentioned. He argued that this clearly shows collusion between the applicant/claimants and the owner of the offending vehicle motorcycle.

3. Prima-facie this statement does not appear to have any sound basis. The learned Tribunal has given the finding after appreciating the entire evidence that the offending vehicle was involved in the accident. Admittedly the charge-sheet has been filed against the driver of the offending vehicle.

4. In view of this, keeping the rights of the parties open, application is allowed to withdraw 50% of the amount of compensation on giving undertaking that they will deposit the entire amount of compensation within a period of twelve weeks, if the decision of the appeal goes against them.

(M. G. SEWLIKAR)
JUDGE

mahajansb/