

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

929 CIVIL APPLICATION NO.15755 OF 2022
IN FA/3243/2021 WITH CA/13779/2021 IN FA/3243/2021

VANDANA WD/O HARIBHAU RONGHE AND ORS
VERSUS
NEW INDIA ASSURANCE CO. LTD., THR ITS BRANCH
MANAGER,AURANGABAD AND ORS

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Advocate for Applicants : Mr. K. B. Jadhav
Advocate for Respondent No.1 : Mr. M. R. Deshmukh

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 07/12/2022.**

P. C. :

1. Heard rival submissions.
2. The learned counsel for the appellant insurance company submits that the present appeal is only against the grant of no fault liability amount to the claimants, wherein responsibility on the insurance company is fixed jointly and severally. He further, pointed out that the deceased in the instant case was riding the motorcycle and as the motorcycle slipped without any intervention of any other vehicle, he died. In the MLC as well as accidental death report, it was mentioned that the accident took place due to skidding of the motorcycle, which was being driven by the deceased. However, subsequently, it was shown that one jeep had given dash to the said motorcycle. As such, there are doubtful circumstances on record and therefore, a full-fledge trial at the hands of learned Tribunal is required to ascertain the truth. As such, I dispose this appeal without going into the merits of the

case by remanding the matter back to the learned Tribunal for holding the trial as expeditiously as possible.

3. Needless to say the withdrawal of amount of no fault liability as deposited by the insurance company in this appeal would be subject to final out come of the main motor accident claim petition. The said amount which has been deposited by the insurance company be remitted to concerned MACT, Jalna. As such, the appeal accordingly stands disposed of alongwith civil application for withdrawal as well as stay.

(SANDIPKUMAR C. MORE, J.)