

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

**959 CIVIL APPLICATION NO.10621 OF 2023
IN
FA/2344/2023 WITH CA/7363/2023 IN FA/2344/2023
WITH
FIRST APPEAL NO.2344 OF 2023
SHUBHAM YEDU MHAIS
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO LTD**

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Advocate for Applicant:
Mr. Rohit Dhongde h/f. Mr. Kulkarni Sanket S.
Advocate for Respondent No.1: Mr. A. G.Choudhari

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CORAM : ARUN R. PEDNEKER, J.

DATE : 23rd AUGUST, 2023

PER COURT:

1. The present first appeal is filed by the insurance company challenging the order passed by the motor accident claims tribunal awarding compensation to the claimant. In the instant case, the insurance company is disputing the involvement of the insured vehicle in the accident. The tribunal has taken into consideration the following facts and held that the insured vehicle was involved in the accident, (a) that the owner of the vehicle has not disputed the accident, (b)

the vehicle was also badly damaged in the front side.

2. In the fitness of the things, I grant withdrawal of 50% of the amount deposited on usual terms and conditions. The civil application for withdrawal of the amount is disposed of.

3. The civil application for stay is disposed of.

4. The first appeal is admitted.

[ARUN R. PEDNEKER, J.]

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