

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

958 CIVIL APPLICATION NO.10583 OF 2023

IN

FA/2343/2023

WITH

CA/7362/2023 IN FA/2343/2023

WITH

FIRST APPEAL NO.2343 OF 2023

VIKAS CHNGDEV MHAIS

VERSUS

ICICI LOMBARD GENERAL INSURANCE CO LTD

...

Advocate for Applicant:

**Mr. Rohit Dhongade 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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