

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

962 CIVIL APPLICATION NO.10832 OF 2023
IN FAST/24667/2023 WITH CA/10833/2023 IN FAST/
24667/2023 WITH CA/12918/2023 IN
FAST/24667/2023

THE DIVISIONAL MANAGER, UNITED INDIA INSURANCE
COMPANY LTD.

VERSUS

ANIL RAOSAHEB SHINDE AND ORS

...

Advocate for Applicant: Mr. Soman Amar D.
Advocate for Respondents No.1, 2, 4 & 5:
Mr. Gandhi Amol Subhash

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CORAM : ARUN R. PEDNEKER, J.

DATE : 25th OCTOBER, 2023

PER COURT:

1. Heard.

2. For the reasons stated in the application for condonation of delay, the delay is condoned. The civil application for condonation of delay stands disposed of.

3. The interim stay granted by this court is confirmed. The civil application for stay stands disposed of.

4. The present first appeal is filed by the insurance company against the order passed by the tribunal, purportedly, on the ground of the involvement of the insured vehicle. The appellant is disputing the vehicle being involved in the accident and for that purpose the learned counsel submits that the F.I.R. is registered after 4 months and there is serious doubt about involvement of the insured vehicle in the accident.

5. The learned counsel for the claimants submits that, after the accident, on 14.01.2016, the deceased was admitted in the hospital for around 3 $\frac{1}{2}$ months and after discharge filed the F.I.R. The deceased died on 30.06.2016. He further submits that there is no evidence to show that the claimants are related to the owner of the insured vehicle and the owner of the insured vehicle has also not contested the involvement of the vehicle so also there is no dispute that the vehicle was not involved in the accident and the charge-sheet is filed.

6. Without going into the merits of the matter, as there is a finding of the tribunal that the vehicle was involved in the accident, I deem it appropriate to permit the applicants to withdraw 50% of the amount deposited in this court, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court. The amount to be disbursed as per the apportionment granted by the tribunal. The civil application for withdrawal of amount stands disposed of.

7. The first appeal is **admitted**. On admission, Mr. Amar D. Soman, learned counsel waives notice for respondent no1. Call R & P. Office objections, if any, to be removed within four (04) weeks from today.

[ARUN R. PEDNEKER, J.]

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