

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 CIVIL APPLICATION NO.12844 OF 2023
IN FA/1226/2022

INDUBAI W/O SHIVAJI MUSLE AND ORS
VERSUS
SHRIRAM GENERAL INSURANCE CO. LTD., THR ITS BRANCH
MANAGER, PUNE

...
Advocate for Applicants : Mr. Shrimant Mundhe
Advocate for Respondent No.1 : Mr. Aanad Dale h/f S. S. Rath
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 23/10/2023

PER COURT :

1. Heard the learned Advocate appearing on behalf of the respective parties.
2. The learned Advocate for the Insurance Company submits that, the present appeal is filed by the Insurance Company challenging the order passed by the Tribunal. The ground of the appeal is non involvement of the insured vehicle. He further submits that the FIR was belatedly filed after three weeks against an unknown vehicle. He further submits that there was a supplementary statement near about nine to ten months thereafter, and the insured vehicle was thereafter roped at that place. The Tribunal has noted the fact that after the accident, the tempo driver had carried the injured to the hospital and

had admitted the injured to the hospital. The witness present at the hospital has identified the vehicle. There is investigation in the matter and charge sheet is filed. Without going into the detail aspect of the matter prima facie it appears that the Tribunal has rendered a finding that the vehicle was involved in the accident relying upon the witness who was available in the hospital and who had seen the tempo in the hospital premises, deem it appropriate to permit the applicant/claimant to withdraw 50 % of the amount deposited in this Court on usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

3. The application is disposed of.
4. The appeal is **admitted.**
5. After admission, the learned Advocate Mr. S. S. Rathi waives service of notice on behalf of respondent No.1.
6. Call for record and proceedings.

(ARUN R. PEDNEKER, J.)

vj gawade/-.