

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CIVIL APPLICATION NO.13351 OF 2023
IN FA/2513/2023 WITH CA/8061/2023 IN FA/2513/2023

SANJAY S/O PUNDALIK BHANGADE
VERSUS
THE BRANCH MANAGER, THE NEW INDIA ASSURANCE CO, THR
AUTHORIZED OFFICIAL AND DIV.MANAGER AND ORS

...
Advocate for Applicant : Mr. S. S. Jangale h/f Rahul R. Karpe
Advocate for Respondent No.1 : Mr. A. S. Usmanpurkar

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 03/11/2023

PER COURT :

1. The present appeal is filed by the Insurance Company on the ground of non involvement of the insured vehicle. The date of accident is 08/06/2016 and the complaint is filed on 01/04/2017. On perusal of the Judgment of the Tribunal at Paragraph No.15, the Tribunal has held that on the date of the accident i.e. 08/06/2016 the accident was reported on the same day and a request was made to record statement of the injured and the petitioner and the MLC is also registered. There is a signature of the Police Station officer, Shrirampur Rural Police Station mentioning date 08/06/2016. The medical certificate dated 08/06/2016 is in the name of the petitioner which shows history of road traffic accident. Since the FIR was not registered, the complaint was filed under Section 156 (3) of the Code of Criminal Procedure seeking direction to register FIR and in

pursuance of the same, FIR was registered.

2. The learned Advocate appearing for the Insurance Company has produced the evidence on record whereby he submits that the best witness is not examined in this case.

3. I do not see prima facie that there is any deficiency as far as the claimant is concerned as he had filed complaint immediately after the accident but police have not registered the FIR, and the possibility of vehicle being implanted prima facie does not appear correct. In view of the same, the applicants are permitted to withdraw 70% of the amount deposited in this Court along with accrued interest thereon till date. The application for withdrawal of amount stands disposed of.

4. The petitioner to take steps to serve unserved respondents. After steps being taken, issue notice to respondents, returnable on 19/01/2024.

(ARUN R. PEDNEKER, J.)

vj gawade/-.