



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO.14507 OF 2023
IN FAST/14355/2023 WITH CA/5896/2023 IN FAST/14355/2023 WITH
CA/5897/2023 IN FAST/14355/2023

UTTAMRAO LAXMANRAO KOLI AND ORS
VERSUS
THE BRANCH MANAGAR THE NEW INDIA ASSURANCE COMPANY LTD
SHIVAJI CHOWK NAIK NIWAS OSMANABAD AND ORS

...
Advocate for Applicants : Mr. More Abhijit S.
Advocate for Respondent No.1 : Mr. S. R. Badade
...

CORAM : ARUN R. PEDNEKER, J.
DATE : 08/12/2023

PER COURT :

1. Heard the learned Advocate appearing on behalf of respective parties.
2. The present appeal is filed by the Insurance Company against the order of the Tribunal on the ground of non-involvement of the vehicle. The Tribunal has relied upon the evidence of CW-4 Somnath Patil, the eye-witness to the accident who in his deposition has stated that the vehicle itself was intercepted in the accident. The learned Advocate for the Insurance Company submits that CW-4 in his cross examination has not admitted the vehicle number.
3. The learned Advocate for the appellant submits that CW-4 in his cross examination has not admitted the vehicle number, however the

accident is not in dispute and that it was hit and run case and the vehicle was intercepted. On the basis of evidence of CW-4, the Tribunal has awarded compensation.

4. In application filed for withdrawal of amount, taking into consideration the submission of Insurance Company that CW-4 in his cross examination has not admitted the number of the vehicle, without going into the merits of the matter, I deem it appropriate to allow the applicants to withdraw 50% of the compensation amount along with accrued interest thereon till date to the extent of their shares as directed by the Tribunal, subject to filing of undertaking to the satisfaction of the Registrar Judicial of this Court. Application for withdrawal of amount stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.