

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

**961 CIVIL APPLICATION NO.5343 OF 2020
IN
WP/7487/2018 WITH WP/7487/2018**

**ANJANA DNYANESHWAR SONAWANE AND OTHERS
VERSUS
YOGESH SUNIL PATHARE AND ANOTHER**

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Advocate for Applicants: Ms. Savita P. Kakade h/f.
Ms. Kathane Savita A.

AGP for Respondent/State: Mr. B. V. Virdhe
Advocate for Respondent No.2: Mr. Swapnil Rathi

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CORAM : ARUN R. PEDNEKER, J.

DATE : 18th OCTOBER, 2023

PER COURT:

1. Heard.

2. The petitioner challenges the present order passed by the Lok Adaat on the ground that the order is obtained by fraud and the insured vehicle was not involved in the accident. The vehicle was changed and the insured vehicle was marked as involved in the accident. The petitioner, on the basis of fraud, seeks to set aside the order passed by the Lok Adalat in the present writ petition.

3. The issue of maintainability of this writ petition needs to be determined. At the moment, the application is filed for withdrawal of amount

deposited by the petitioner / insurance company. The learned counsel appearing for the claimants submits that the case of the pillion rider was considered by the tribunal and the same issue of fraud as pleaded by the insurance company was dealt with by the tribunal. The tribunal by order dated 01.03.2018, in MACP No.561 of 2015, has rejected the plea of fraud and has granted compensation to the pillion rider. The insurance company has filed the appeal in this court.

4. In view of the above that the submission of fraud as raised by the petitioner being considered by the tribunal and having refuted it, granted compensation to the pillion rider. I deem it appropriate, to allow the claimants to withdraw 50% of the amount deposited in this court along with accrued interest, subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The civil application for withdrawal of amount stands disposed of.

6. List the Writ Petition for further hearing, on 13.12.2023.

[ARUN R. PEDNEKER, J.]

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