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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3571 OF 2024
IN FAST/35155/2023

Sunanda Dilip Deshmukh And Others

VERSUS

Cholamandalam MS General Insurance Compnay Ltd and Others

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Advocate for Applicants : Mr. Shermale K. N.

Advocate for Respondent No.1 : Mr. Choudhari Abhijit G.

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CORAM : S.G. MEHARE, J.

DATED : APRIL 19, 2024

PER COURT:-

1. Heard the respective counsels.
2. The appellant to take steps to bring the legal heirs of respondent no.4.
3. The appellant has strong objection that the registered number of the vehicle allegedly involved in the case was subsequently changed. Therefore, there is a suspicion about the involvement of the offending vehicle.
4. Learned counsel for the respondent submits that there was no defence as such before the learned Tribunal. Learned counsel for the appellant submits that a specific defence was raised; however, the Tribunal did not frame the issue. It is a matter of appreciation of evidence. However, it prima facie appears that the accident happened and the deceased lost his life. Considering the controversy and the

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serious issue of involvement of the offending vehicle, the application may be allowed partly. Hence, the following order :

ORDER

- (i) The application is partly allowed.
- (ii) The applicants are allowed to withdraw 60% of the amount deposited with this Court with interest on the undertaking that they would deposit the money if the impugned judgment and award is reversed.
- (iii) The applicants would be entitled to equal share from the amount allowed to be withdrawn.
- (iv) The learned Tribunal to release the amount as per the above terms.

(S.G. MEHARE, J.)