



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10093 OF 2015
IN FA/2136/2015

M/S NATIONAL INSURANCE CO LTD KOLKATA BR AHMEDNAGAR
VERSUS

KAILAS MADHUKAR JAGTAP AND ORS
WITH

CIVIL APPLICATION NO. 10076 OF 2015
IN FA/2134/2015

M/S NATIONAL INSURANCE CO LTD KOLKATA BR AHMEDNAGAR
VERSUS

SWATI BAPU PAWAR AND ORS

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Mr Upadhye Vinayak Narayan, Advocate for ApplicantS

Mr. N. C. Garud Advocate for Respondent Nos. 1 to 3

Mr. Navin S. Shah h/for Mr. K. N. Lokhande, Advocate for respondent
No.5,

CORAM : Y. G. KHOBRAGADE, J.

DATE : 24th April, 2024

ORDER:

1. Heard the learned Advocates appearing for both sides at
length.

2. By the present applications, the appellant/original respondent
Insurance company prayed as under:

"to grant order to press into service the documents such as
Police statements recorded during the course of
investigation as required under order 41 Rule 27 of the Civil
Procedure code, on such term and conditions as this Court
may deem fit and proper".

3. During the course of argument, the learned counsel for the Insurance company fairly stated that the statements recorded by the police under section 161 of the Criminal Procedure Code were produced by Claimants, however, the said documents not been considered by the learned Motor Accident Claims Tribunal while passing the impugned judgment and award, therefore, prayed for permission to rely on the said documents.

4. It is needless to say that the documents which have been proved and exhibited during the course of trial can be relied on by either of the parties even before the Appellate Court and permission under Order 41 Rule 27 of the Civil Procedure Code is not required.

5. The civil applications are accordingly disposed off.

(Y. G. KHOBRAGADE, J.)

JPChavan