



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

925 WRIT PETITION NO. 10544 OF 2024

ICICI LOMBARD GENERAL INSURANCE CO LTD THROUGH ITS BRANCH  
MANAGER

VERSUS

BALIRAM KASHIRAM KADAM AND OTHERS

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Advocate for the Petitioner : Mr. Deshmukh Mohit R.

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CORAM : ARUN R. PEDNEKER, J.

Dated : September 27, 2024

PER COURT :-

1. Heard the learned counsel for the petitioner/Insurance Company.
2. The learned counsel for the petitioner submits that the accident of injured claimants has taken place with the motorcycle owned by the person of the police department bearing No. MH-38/G-93 and the same is reflected in the initial police papers. However, later on the vehicle is changed and different vehicle number bearing No. MH38/Q-3392 is mentioned in the police papers of which present Insurance Company is insurer. In view of the same, the Insurance Company has filed application praying that owner of the motorcycle mentioned in earlier police papers be made as party.
3. The said application was rejected by the Trial Court as the petitioner being *domitus litis* of his case. The claim petition is filed by the claimants against the present owner of motor cycle bearing No. MH38/Q-3392, claiming that the said motorcycle is involved in the accident. Since the petition is filed against above motorcycle owner, it is for the claimants to prove/ establish that the said vehicle was involved in an accident and in the event, he fails to do so, no claim will be granted against owner and insurer of motorcycle bearing No. MH-38/Q-3392.
4. In view of the above, the writ petition is dismissed.

( ARUN R. PEDNEKER, J. )

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