



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12256 OF 2023
IN
FIRST APPEAL NO. 4017 OF 2023

THE BRANCH MANAGER, NEW INDIA ASSURANCE COMPANY
LIMITED
VERSUS
SMT NANDA PARAJI BANKAR AND OTHERS

...
Advocate for Applicant : Mr. Shinde Manoj Dharmaraj

...
CORAM : S. G. MEHARE, J.
DATE : 02.01.2024

PER COURT :

1. The learned counsel for the applicant/insurer states that the entire amount of the award has been deposited. The respondents are already on record. The pre-condition for admission of the First Appeal has been complied with. The learned counsel for the appellant would submit that there was about 86 days delay in lodging the F.I.R of the motor accident claim. There is a great possibility of false case. He would submit that the owner of the so called vehicle involved in the accident was the relative of the claimant. He deliberately proceeded ex-parte. However, the learned tribunal did not consider these grounds. It may be an attempt to extract the money from the insurance company on the pretext of the vehicular accident.

2. The learned counsel for the respondent would submit that after due enquiry the impugned award has been passed. The ground of appeal and objection to the claim were correctly considered before the Motor Accident Claim Tribunal.

3. Considering the submissions of the learned counsel for the insurer /appellant the following order is passed.

ORDER

- (I) The Civil Application No. 12256 of 2023 is allowed.
- (II) The implementation, operation and effect of the impugned award passed by the learned Member M.A.C.T Shrirampur in Motor Accident Claim Petition No. 310 of 2019 dated 10.04.2023 is stayed till conclusion of the appeal.
- (III) Call record and proceeding.
Stand over after 12 weeks.

(S. G. MEHARE)
JUDGE

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