



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

906 WRIT PETITION NO. 1951 OF 2025

I.C.I.C.I GENERAL INSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY

VERSUS

PRABHAKAR SUBHASH WAGH AND OTHERS

907 WRIT PETITION NO. 1953 OF 2025

I.C.I.C.I. GENERAL INSURANCE CO. LTD., THR ITS AUTHORIZED
SIGNATORY

VERSUS

NIRMALA DILIP BEHERE AND OTHERS

Mr.A.G. Choudhari, Advocate for the petitioner.

Mr.A.D. Pawar, Advocate for the respondents.

CORAM : KISHORE C. SANT, J.

DATE : 14.02.2025

PC :-

01. Heard learned Advocates for the parties. The petitioner - Insurance Company – original respondent in Motor Accident Claim Petition Nos.268 of 2019 and 77 of 2019, pending before the Motor Accident Claims Tribunal, Dhule has approached this Court by way of these two Writ Petitions. The petitioner had filed three applications; one for leave to produce on record certain documents i.e. Motor Accident Reconstruction Report by ICS Assurance; second application was for production of some other documents i.e. E-mail of appointment order, letter of authorization, Educational Certificate, Identity Card and Aadhar

Card. Third application was also for production for some other documents. Both the petitions arise out of same accident. It is case of the petitioner that these documents are of vital importance. By way of the documents, they want to produce on record report of expert obtained by the petitioner.

02. Learned Member by considering merits of the documents, has rejected the applications holding that these evidence need not be considered, when in-fact reason was only of delay in production of documents as the Claim Petitions are pending since 2019.

03. Learned Advocate Mr. Pawar appearing for respondent No.1 in Writ Petition No. 1951 of 2025 and for respondent Nos. 1 and 2 in Writ Petition Nos. 1953 of 2025 vehemently opposes the petitions. He submits that, in-fact, now these documents sought to be produced on record are of 2023. However, the applications were made for the first time on 01.08.2024. The evidence which is sought to be produced is without pleading, when there is no any defence raised in respect of the documents which are now sought to be produced. He justifies the orders passed by the learned Member stating that every aspect is considered. The orders are well reasoned orders and do not call for any interference.

The applications are frivolous and *malafide* just to prolong the Claim Petitions. The claimants are waiting for decision from 2019. The applications are made after about five years. He, thus prays for rejection of the petitions.

04. Considering the nature of the dispute, no notice is required to other respondents as the claimants are before this Court and they are heard.

05. After hearing the arguments of both the sides and after considering the impugned orders, this Court finds that the learned Member has mainly considered that the documents even after production are not considerable and do not require any consideration. This Court is mainly on the aspect that parties should normally be allowed to produce the evidence on record. This Court finds force in the arguments of learned Advocate for the respondent that the applications are filed at belated stage when the evidence of the petitioner and even the respondents is closed. Considering this submission, no doubt, it is true that the original petitioners in the Claim Petitions are put to hardship as they are praying the amount since 2019. Now, if fresh evidence is allowed, that will certainly take some time. However, that care can be

taken by imposing heavy costs upon the present petitioner and by putting a condition for speedy disposal of of the Claim Petitions. Hence, following order :-

ORDER

- (i) Both the Writ Petitions are allowed in terms of prayer clause (B), with condition of depositing Rs.25,000/- (Rupees Twenty Five Thousand) in each of the petitions to be paid to the claimants within two weeks from today.
- (ii) After the documents are produced, the learned Tribunal to decide the Claim Petitions within three months thereafter.
- (iii) It is made clear that the petitioners herein shall not seek any adjournments in the learned Tribunal.
- (iv) The Writ Petitions are accordingly disposed off with no order as to costs.

[KISHORE C. SANT, J.]