



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 9194 OF 2024

IFFCO TOKIO GENERAL INSURANCE CO LTD THROUGH ITS
AUTHORIZED OFFICER

VERSUS

PREMDAS REVA RATHOD AND OTHERS

...

Mr. Swapnil S. Rathi, Advocate for the Petitioner.

Mr. Suraj R. Bagal, Advocate for Respondent No.3.

...

CORAM : R. M. JOSHI, J.

DATE : 6th MAY, 2025

PC.:-

1. This petition takes exception to the order dated 19th March 2024 passed by the Member, Motor Accident Claims Tribunal at Parbhani in MACP No.297 of 2018 below Exhibit-72 rejecting application filed by the Petitioner-Insurer for calling investigating officer as witness for proving the investigation papers.

2. Application came to be rejected on the ground that Insurer has already examined two witnesses and, thereafter, filed evidence from the pursis and that the proceedings are at the stage of arguments. It is further observed that by doing so, the Insurer is trying to fill up the lacunas in the evidence.

3. Heard learned Advocate for the Petitioner-Insurer and learned Advocate for Respondent No.3 owner of vehicle. None for the

Claimant.

4. There is no dispute about the fact that the Insurer led evidence by filing pursis below Exhibit-71 and within a period of one month, present petition below Exhibit-72 came to be moved. It is further not in dispute that last time examined before the Trial Court was the witness of insurance company. Thus, there is no substance to say that the Insurer wants to fill up the lacunas in evidence. Since, the Insurer has to file the application for proving investigation papers, there is reason to belief that Claimant has not admitted the investigation papers.

5. Application has not been rejected on the ground that witness is not relevant for the decision of the case. In any case, examination of the investigating officer would be relevant, if there is a dispute with regard to the papers of investigation. Hence, examination of investigating officer is relevant for the decision of the claim.

6. As a result of above discussion, petition succeeds and impugned order stands set aside. Application (Exhibit-72) stands allowed. Tribunal to issue summons to the investigating officer.

(R. M. JOSHI, J.)