

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1259 OF 2011

The Manager, ICICI Bank Ltd.

....Appellant

Versus

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Valmik Shripati Borawane (Deceased),
Through Legal Heris

1A. Lata Walmik Borawane & Ors.

....Respondents

Mr. Indrajeet Deshmukh i/by Vidhi Partners for the Appellants.

Mr. Parth Deshpande i/by Mr. Vilas B. Tapkir for Respondent Nos.1(A) to 1(C).

CORAM : JITENDRA JAIN, J.

DATED : 07th MAY 2026

P. C. :

1. This appeal was admitted on 15th July, 2011.
2. On 01st October, 2024 following order was passed :-

The short issue involved in the present appeal is whether on the date of accident, i.e., 26th June 2003, Appellant was the owner of the vehicle, so as to fasten the liability on them. It is the submission of the Appellant that the said vehicle was sold in auction on 18th November 2002 by them and, therefore, they are not liable. However, in paragraph 53 of the impugned order, the Tribunal has observed that no evidence has been produced in support of the submission that the sale took place on 18th December 2002. However, the Appellant submits that the documents were filed and, therefore, the observations are not correct. Therefore, the parties are directed to verify R&P records to ascertain the correctness of what is observed in paragraph 53 of the impugned order. To enable the parties to do so, the appeal is adjourned to 15th October 2024.

3. The learned counsel for the appellant-Bank submits that he has inspected the records and proceedings and there are no documents to show that the auction had taken place. Therefore, to that extent, the Tribunal's order cannot be interfered with.
4. The learned counsel states that there are other documents which shows that the vehicle was sold. Even those documents are not on the record. Though one of the documents handwritten was available with the Tribunal, on which, the Tribunal has given some observations.
5. In the interest of justice, the matter is remanded back for fresh adjudication by the Motor Accident Claims Tribunal, Pune.
6. The Bank to make application for admission of the additional evidence and the Tribunal to consider the same in accordance with law and after considering fresh documents, if any, the Tribunal to adjudicate the liability of the bank.
7. Amount deposited by the Bank will be subject to the outcome of the order pass by the Tribunal on remand.
8. Appeal is disposed of in above terms.

[JITENDRA JAIN, J.]