



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 14278 OF 2023
IN FAST/14854/2023 WITH
CIVIL APPLICATION NO. 6064 OF 2023
IN FAST/14854/2023**

Suman W/o Vasant Wagh And Ors

VERSUS

The Divisional Officer The Oriental Insurance Company Limited And
Ors

...

Advocate for Applicants : Mr. Gore Ravindra Vitthal

Advocate for Respondent No.1 : Mr D.P. Deshmukh

...

CORAM : S. G. MEHARE, J.

DATE : 16.02.2024

PER COURT :

1. Heard the learned counsel for the applicants and the learned counsel for the respondent/appellant.

2. There is serious dispute about the involvement of the vehicle insured with the appellant in the accident. The learned counsel for the appellant submits that in the spot panchnama Truck bearing No. 8850 was shown involved in the accident. The claim/petition was filed against the owner and driver of the said vehicle. However, subsequently the claimant deleted them and

added the owner and driver of the vehicle bearing No. 6627 which was actually not involved in the accident. The owner of the vehicle No. 6627 admitted the claim of the claimant. It was a collusion. These material facts have not been properly appreciated.

3. Per contra, the learned counsel for the claimant would submit that the Truck bearing No. 8850 was scrapped before the accident and an eyewitness was examined to prove that the Truck No. 6627 was involved in the accident. Therefore, its owner has correctly admitted the involvement of his Truck.

4. Considering the serious dispute about the involvement of the vehicle in accident, it would be appropriate to keep this application in abeyance for decision along with the appeal.

5. Re-issue notice to the unserved respondents in delay condonation application. Stand over to 2nd April 2024.

(S. G. MEHARE)
JUDGE

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