

Court No. - 8

Case :- FIRST APPEAL FROM ORDER No. - 615 of 2003

Appellant :- Oriental Insurance Company Ltd. Thru Div. Manager

Respondent :- Mukesh Misra Thru His Mother Smt. Asha Misra And Anr.

Counsel for Appellant :- Anil Srivastava

Counsel for Respondent :- Udai Bhan Pandey

Hon'ble Ajay Bhanot,J.

Heard Sri Anil Srivastava, learned counsel for the appellant and Sri Udai Bhan Pandey, learned counsel for the respondents.

The instant first appeal from order arises out of a judgment and award dated 29.11.2001 rendered by the Motor Accident Claims Tribunal/Additional District and Session Judge, Lucknow in M.A.C.P. No. 252 of 1999. The learned Tribunal by the impugned award has partly allowed the claim of the appellant and awarded compensation of Rs. 40,000/- with an interest of 9% p.a.

Learned counsel for the appellant raises only one ground before this Court. It is submitted that the insurance policy on the foot of which the award was passed was a forged document. The issued of forged document was never raised before the learned trial court in the written statement or evidence led by the appellant before the court below. No application for introducing additional evidence to bring the fact has been moved before this Court. Finding of fraud can only be returned after full material particulars of the fraud are disclosed

from the pleadings and evidences to support the same are tendered. In the instant case no such application for introducing of evidences to establish fraud has been made before this Court. The review application filed before the learned trial court is of no avail to the appellant.

In this wake the appeal is dismissed.

Order Date :- 16.8.2023

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