

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1182 OF 2000
IN
FIRST APPEAL NO. 1806 OF 2008

M/s New India Assurance Co. Ltd.,
having its Regd. and Head office at
The New India Assurance Building
87, M.G. Road Fort, Bombay, Branch office
at Jalna and Divisional office No. II
323-324 N/3, CIDCO, Jalna Road,
Aurangabad 431 003 through its
Divisional Manager & Constituted
Attorney Mr. Vishwas Banshi Gaikwad

...APPLICANT
(Orig. III rd Resp.)

VERSUS

1. Namdeo s/o Khandu Chavan,
Age: 45 yrs, Occu: Agril.
and service, R/o Ramnagar Tanda,
Tq. Ambad, Dist. Jalna

2. Tarabai w/o Namdeo Chavan,
Age: 35 yrs, Occu: Household,
R/o as above

...(Orig. Claimants)

3. Dinkar Raosaheb Shepte,
Age: Major, Occu: Owner of
Vehicle, R/o Ramgavan,
Tq. Ambad, Dist. Jalna

4. Shivaji s/o Radhakishan Waghmare,
Age: Major, Occu: Driver,
R/o As above

(Orig. Resp. No. 1 & 2)

...RESPONDENTS

Mr V. N. Upadhye, Advocate for applicant;
Mr B. N. Palve, Advocate for respondent No. 3

CORAM : N.W. SAMBRE, J.

DATE : 3rd July, 2015

ORAL ORDER :

This is an application by the insurance company under Order XLI, Rule 27 of the Code of Civil Procedure, seeking permission to produce additional evidence at appellate stage.

2. The learned Member, Motor Accident Claims Tribunal, Jalna has awarded compensation of Rs.85,000/- to be borne by the present appellant, to the extent of 1/3rd share. The rest of the compensation was ordered to be paid by the vehicle owner and its Driver.

3. Before the Tribunal, the applicant/appellant remained absent. Perusal of the contents of the application reveals that after the award was rendered by the Tribunal, the applicant/appellant has investigated the matter.

4. According to the applicant, it received information that the vehicle is not insured with it and as such, sought to place on record the documentary evidence. The documentary evidence is in the nature of communication issued by the Branch Manager, intimating that from the record of the Branch Manager, the Branch has not issued the policy or cover note for the vehicle in question.

5. In my opinion, no good reason has come on record to grant the relief of production of additional evidence at this stage, when the appellant themselves have admitted that when they were noticed in the claim petition, they have not taken steps for appearing in the claim petition and rather have conducted the inquiry after passing of the award by the Tribunal.

6. In the light of above, the cause cited for the relief sought for in the instant application, is not in tune with the requirement of Order XLI, Rule 27 of the Code of Civil Procedure. Civil Application, therefore, stands rejected with no order as to costs.

(N.W. SAMBRE, J.)

amj