

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

C.A.F. NO.1705/2015
IN
FIRST APPEAL STAMP NO.11573/2015

Shri Pravin s/o Shamrao Mawale
..Vs..
Shri Vinayak s/o Maroti Janwe and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : 22.9.2016.

Heard Shri U.R. Phasate, Advocate for the
appellant, Ms. M.H. Pathade, Advocate for the respondent
Nos.1 and 2 and Shri Eshan Sahastrabuddhe, Advocate for
the respondent No.3. The respondent No.4 is reported to be
dead.

Though the application is opposed, accepting the
reasons stated in the application, the delay of 330 days in
filing the appeal is condoned. The civil application is
allowed.

FIRST APPEAL STAMP NO.11573/2015

Taken up for hearing on admission.

ADMIT.

Call R & P.

C.A.O. NO.1405/2016.

The appellant has challenged the award passed by the Tribunal directing that the appellant and respondent No.4 shall pay the amount of compensation to the claimants. The Insurance Company is absolved of the liability of paying the amount of compensation on the ground that the policy was “Act Policy” and covered the risk of third party only and it did not cover the risk of pillion rider.

Though the learned Advocate for the appellant has argued that the appellant is deprived of the opportunity of defending matter properly, there is nothing on record to justify the absence.

Considering the nature of challenges and the facts on record, the respondent Nos.1 and 2 - claimants are permitted to withdraw the amount deposited by the appellant alongwith interest. The amount be given to the respondent Nos.1 and 2 in the proportion of 50 : 50. The civil application is **allowed** in the above terms.

JUDGE

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

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Personal Assistant.

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