

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

FIRST APPEAL NO.1084 OF 2016

[Bharti-Axa General Insurance Company Limited .vs. Smt. Saranga w/o Shripad Motghare 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 : OCTOBER 01, 2016.

Heard Shri R.D. Bhuibhar, advocate for the appellant.

The order passed by the Tribunal under Section 140 of the Motor Vehicles Act, 1988 saddling the liability of paying the amount of Rs.50,000/- towards compensation for no fault liability jointly and severally on the Insurance Company along with owner and driver of the vehicle is challenged.

The submission on behalf of the Insurance Company is that though the vehicle involved in the accident was insured with the Insurance Company at the relevant time, the owner of the vehicle was driving and he was not having valid license and, therefore, there was breach of policy. It is submitted that the Tribunal should have conducted a preliminary inquiry on this point before saddling the liability on the Insurance Company jointly and severally along with owner and driver of the vehicle.

As the impugned order is passed on an application under Section 140 of the Motor Vehicles Act, 1988, I am not inclined to consider the challenges raised on behalf of the Insurance Company at this stage. It is clarified that the points raised by the Insurance Company in this appeal will be open for consideration by the Tribunal at the time of trial of the claim petition and the Tribunal shall not be influenced by the observations made in the impugned order.

With these observations, the appeal is disposed. Parties to bear their own costs.

JUDGE

CERTIFICATE

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

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