

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO
MACMA MP No.2600 & 2601 of 2011 in MACMA No.744
of 2016 & MACMA No.744 of 2016

COMMON ORDER :

Heard and the delay condoned in filing the appeal. At request of both parties, the appeal is taken up for hearing as the appeal 1st respondent is no other than the claimant and the appellant is owner of the vehicle insured with the 2nd respondent insurer. It is the submission of the main dispute that exoneration of liability and not disputing the claim and decide the entitlement of the claim. Thus, against the 1st respondent originally dismissed and even restored on 28.10.2015 as per MACMA MP No.4888 of 2015 and no proof of fresh notice stated taken filed and therefrom even deserves dismissal against the 1st respondent, no way fatal to the appeal for no dispute regarding entitlement by claimant but for the dispute is interse between insurer and insured.

2) The only point involved is whether there is a policy in subsistence and insurer be made liable.

3) Admittedly the policy was expired a day before the accident and admittedly another policy taken subsequent to the accident and to say the subsequent policy relates back from the date of expiry of earlier policy to cover the risk by the accident is perse untenable for nothing of

practice muchless in the facts even to show the operation of the policy with ante date hence Tribunal is right and there are no merits to interfere with the finding of the Tribunal, no policy muchless to cover the risk.

4) In the result, the appeal is dismissed. There shall be no order as to costs.

5) Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

08.02.2016

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