

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

CIVIL APPLICATION NO.2148 OF 2017
IN FIRST APPEAL ST. NO.8967 OF 2017

(Ravishsingh Niranjansingh Chouhan vs. Sau. Parvatabai Vithu Alam and others)

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

Shri H.N. Potbhare, Advocate for applicant.
Shri A.W. Paunikar, Advocate for respondent no.4.

CORAM : P.N. DESHMUKH, J.

DATED : OCTOBER 10, 2017

None for respondent nos.1 to 3 though
appear to be served.

Heard Shri Potbhare, learned Counsel for
applicant, and Shri Paunikar, learned Counsel for
respondent no.4.

This application is filed for condonation of
12 days' delay caused in preferring appeal against
judgment and award dated 21/12/2016 passed by
learned Motor Accident Claims Tribunal, Gadchiroli in
Motor Accident Claim Petition. No.5/2015.

For the grounds mentioned in paras 2 and 3
of the application and since it is found that there is no
intentional delay caused, the delay is condoned. The
application is allowed.

FIRST APPEAL ST. NO. 8967 OF 2017

Heard learned Counsel for the parties.

Admit.

Shri Paunikar, learned Counsel waives notice for respondent no.4.

Call R & P.

CIVIL APPLICATION NO. 2149 OF 2017

None for respondent nos.1 to 3 though appear to be served.

Heard Shri Potbhare, learned Counsel for applicant, and Shri Paunikar, learned Counsel for respondent no.4.

Applicant is owner of vehicle involved in the present case. It is submitted by Shri Paunikar, learned Counsel for respondent no.4, that Insurance Company is exonerated on the ground of breach of policy conditions.

The aforesaid submission is disputed by learned Counsel for applicant contending that said fact was not brought to the notice of Tribunal, who has, therefore, held that no premium was paid.

In view of facts as aforesaid, there shall be stay to effect and operation of the impugned judgment and award dated 21/12/2016 passed by Motor Accident Claims Tribunal, Gadchiroli in Motor Accident Claim Petition No.5/2015 subject to applicant/appellant depositing 50% of the amount of compensation within four weeks from today.

Stand over to 14/11/2017.

JUDGE

khj