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

FIRST APPEAL NO. 143 OF 2017

National Insurance Company Ltd.
Having its Regional Office at
2nd floor "Mangalam Arcade",
Dharampeth Nagpur and having one
its Divisional Office-III a
Sajjan Singh Building, Mount
Road Sdar through its Regional
manager (original respondent
no.2)

..APPELLANT

VERSUS

1. Deepak Ramesh Mehar,
age 33 years, Occ: Business,
2. Sandip Ramesh Meher,
age 30 years, Occ: Business

(Original claimants)

3. Swapnil Ramesh Meher,
age 36 years, Occ: Business,

(Original respondent no.1)

All r/o. Gandhi Ward,
Ganeshpura Bhandara.

..RESPONDENTS

Mr Shashikant Borkar, Advocate for appellant;
Mr P.S. Mirache & Ms. Monali H. Patahde, Advocate
for respondent Nos. 1 to 3

CORAM : N.W. SAMBRE, J.

DATE : 4th APRIL, 2017

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ORAL ORDER :

On 11st September, 2015 in Claim Petition No. 364 of 2014 preferred under Section 166 of the Motor Vehicles Act below Exhibit-5, learned Motor Accident Claims Tribunal, Nagpur awarded interim compensation of Rs.50,000/- to the respondents. The said order is questioned herein.

2. Heard Mr. Borkar, learned Counsel for the appellant-Insurance Company at length. He would urge that the liability ought not to have been fastened on insurance company as the deceased was mother of driver and it is the driver who caused the accident in question, from whom, the amount is liable to be recovered. According to him, award of interim compensation is qualified by observing that same after final judgment, if required, can be recovered from the wrongdoer.

3. In my opinion, the submission of Mr. Borkar, learned Counsel for the appellant that son of the victim has caused accident, is an issue, which could be gone into at the stage of recording

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of evidence before the tribunal. However, considering statutory liability as is provided under the provisions of Motor Vehicles Act, in my opinion, no interference is warranted in the order, particularly when the interest of the appellant is already safeguarded. As such, the appeal fails and stands dismissed.

(N.W. SAMBRE, J.)

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