

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL (ST.) NO. 8415 OF 2017

National Insurance Co. Ltd.	...	Appellant
V/s.		
Megharani Madhukar Sanmukh & Ors.	...	Respondents

**WITH
CIVIL APPLICATION NO. 2149 OF 2017
WITH
CIVIL APPLICATION NO. 2150 OF 2017
WITH
CIVIL APPLICATION NO. 3451 OF 2018
IN
FIRST APPEAL (ST.) NO. 8415 OF 2017**

- Mr.Nikhil Mehata i/b. KMC Legal Venture for the Appellant.
- Mr.Vaibhav R. Gaikwad for Respondent No.1.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th SEPTEMBER, 2018.

P.C. :

1] Heard learned counsel for the Appellant and learned counsel for Respondent No.1.

2] Respondent Nos.2 and 3 though duly served with the notice of this Appeal, they have remained absent.

3] The only issue raised for consideration in this Appeal is whether Respondent No.3, the car driver, was having a valid license.

The impugned judgment passed by the trial Court goes to show that the copy of the valid driving license was produced on record at Exhibit-34. In view thereof and also considering the amount of Rs.2,50,346/- which is awarded towards the compensation being reasonable one and proper justification thereof is given in the award, it has to be held that the judgment does not call for any interference.

4] Though, learned counsel for the Appellant submits that the ground of pay and recovery was taken before the Tribunal, considering that the driving license was already produced on record, that ground no more survives.

5] In view thereof, the Appeal stands dismissed.

6] The amount of Rs.25,000/- deposited in this Court be transferred to the concerned tribunal.

7] In view of disposal of the Appeal, nothing survives in the Civil Application(s), hence stand dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]