

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION No. 261 OF 2018
WITH
CIVIL APPLICATION NO. 263 OF 2018
IN
FIRST APPEAL (St.) NO. 35976 OF 2017**

The New India Assurance Company Ltd.
through Mumbai Legal HUB ... Applicant

Vs.

Bharat Tukaram Nachanekar & Anr. ... Respondents

Mr. Devendranath S. Joshi, Advocate for the applicant

**CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 18th January, 2018.**

P.C.:

Upon mentioning, taken on production board.

2. This Appeal is directed against the judgment and award dated 7th March, 2017 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 40 of 2016 under section 140 of the Motor Vehicles Act.

3. The applicant has filed the injury claim against the opponent/owner of the bus and against the insurance company. The learned counsel for the applicant submitted that the accident took place on 25th October, 2015. However, on that day, the vehicle was

not insured. He submitted that the cheque of the insurance premium was dishonoured on 16th September, 2015. The insurance company has intimated this position to the opponent/owner of the bus by letter dated 24th September, 2015, which was dispatched on 6th October, 2015. He submitted that even after accident, the vehicle was not insured. The learned counsel submitted that the insurance company has deposited Rs.25,000/- towards No Fault Liability.

4. In view of this submission, the impugned order of No Fault Liability is stayed.

5. Civil Application No. 263 of 2018 is allowed and is accordingly disposed of.

6. In Civil Application No. 261 of 2018, Issue notice to the respondents returnable on 20th February, 2018.

(MRIDULA BHATKAR, J.)