

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

**C.A.F. NO. 1438/2018**  
**IN**  
**FIRST APPEAL (ST) NO. 9174/2018**

HDFC ERGO GIC Ltd.  
..VS..  
Vidhya Wd/o Deepak Deshmukh & ors.

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

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Shri H.N. Verma, Advocate for the applicant/appellant  
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**CORAM : Z.A.HAQ, J.**  
**DATED : 02/05/2018**

The applicant/appellant has filed the appeal to challenge the interim award passed by the Motor Accident Claims Tribunal under Section 140 of the Motor Vehicles Act, 1988.

The submission on behalf of the applicant/appellant is that the accident involving the vehicle in question took place around 19:00 hrs on 13/07/2015, however, the vehicle in question was insured with the applicant/appellant-Insurance Company from 23:06 hrs on 13/07/2015. It is submitted that the vehicle in question was not insured with the applicant/appellant-Insurance Company when the accident took place.

It is not disputed that the vehicle in question was insured with the applicant/appellant-Insurance Company from 13/07/2015 though according to the Insurance Company, the risk was covered from 23:06 hrs on that date.

The issue raised by the applicant/appellant-Insurance Company will have to be decided after the evidence is recorded.

Considering the object of the provisions of Section 140 of the Motor Vehicles Act, 1988, it would not be appropriate for this Court to interfere with the interim award passed by the Tribunal.

Consequently, I am not inclined to condone the delay of 117 days in filing the appeal.

The civil application is dismissed. Consequently, the First Appeal (St.) No. 9174/2018 is rejected.

**C.A.F. No. 1439/2018**

In view of dismissal of the application praying for condonation of delay and rejection of the first appeal, this application praying for grant of stay does not survive. It is disposed accordingly.

**JUDGE**

*Ansari*