

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

FIRST APPEAL NO.1067/2015

Vilas S/o Sudhakar Kakade and another

..Vs..

Smt. Jyoti Wd/o Gajanan Folane and others

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

Court's or Judge's orders

Shri S.N. Gaikwad, Advocate for the appellants.
Shri S.P. Pawar, Advocate for respondent Nos.1 to 4.

CORAM : Z.A. HAQ, J.

DATE : 12.3.2018.

Heard.

This appeal, under Section 173 of the Motor Vehicles Act, 1988 is filed by the owner of tractor and owner of trolley which was attached to the tractor at the time of the accident. The owner of tractor is son of owner of trolley.

The point raised by the appellants is that the claimants failed to bring on record the insurance policy though undisputedly the tractor and trolley were insured at the time of the accident.

The submission made on behalf of the appellants cannot be accepted. It is not in dispute that the notice of claim petition was served on the appellants. They failed to participate in the proceedings. The appellants cannot blame the claimants for not producing the insurance policy in the proceedings before the Tribunal.

As far as the findings recorded by the

Tribunal are concerned, I find that they are based on proper appreciation of evidence on record. The appellants have not been able to point (from the record and proceedings which are received by this Court) any perversity in the conclusions of the Tribunal. I see no reason to interfere with the impugned award.

The appeal is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.