

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

**FIRST APPEAL NO.114 OF 2018
WITH
CIVIL APPLICATION NO.372 OF 2018
IN
FIRST APPEAL NO.114 OF 2018**

Iffco Tokio General Insurance Co.
Ltd.

...Appellant

Versus

Dhondiram Rama Kamble and Anr.

...Respondents

.....

Ms Nisha Gandhi I/b. M/s. Res Juris for the Appellant.
None for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 9th AUGUST, 2019.

P.C.:-

The Appellant herein has challenged the order dated 13th April 2017 whereby the learned Member of the M.A.C.T., Mumbai has allowed the application under Section 140 of the Motor Vehicles Act, 1988 and awarded interim compensation of Rs.25,000/- towards no fault liability with interest @ 7.5% per annum.

2. It is seen that the Applicant had contested the application for interim compensation on the ground that the policy is fake and that it was not issued by the authorised agent. The question whether the

policy is fake or genuine will have to be decided on merits and not at this stage. Suffice it to say that the payment of interim compensation is always subject to the final outcome of the appeal and in the event the Appellant succeeds in proving that the offending vehicle was not insured and /or that policy was fake, the Respondent/Claimant will be liable to refund the amount. Considering the above facts and circumstances and particularly the object of Section 140 of the Motor Vehicles Act, I am not inclined to interfere with the impugned order.

3. In the light of above, the appeal stands dismissed.
4. The civil application stands disposed of in view of dismissal of the appeal.

(SMT. ANUJA PRABHUDESSAI, J.)

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