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

FIRST APPEAL NO.1283 OF 2018

Reliance General Insurance Co.Ltd.	...	Applicant.
V/s.		
Rakesh Mansa Gupta and anr	...	Respondents

Ms. Shalini Shankar, for the applicant.
Mr. T. J. Mendon, for respondent No.1.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 31st JANUARY, 2019.

P.C. :

1] Heard learned counsel for the appellant and respondent No.1.

2] This appeal takes an exception to the judgment and order dated 16.6.2016, passed by the Motor Accident Claims Tribunal, Mumbai, in MACP No.118 of 2012 thereby awarding an amount of Rs.7,49,548/- alongwith interest at the rate of 7.5% per annum from the date of filing petition till actual realization.

3] It was an injury claim. According to claimant, the medical expenses to the tune of Rs.4,42,366/- were incurred for the treatment. The documentary evidence is also produced on record to that effect which is accepted by the Tribunal.

4] The main contention in this appeal is that there was breach of condition of policy. However, in this case the owner of the offending vehicle was neither served in the Tribunal nor here also. The appeal against the owner -respondent No.2 is dismissed for default for not taking steps in service of notice.

5] The second contention raised is that the amount of compensation awarded is on excessive side as there is no evidence to prove the income of the claimant as he was conducting the sale of Panipuri.

6] However, in my considered opinion, amount of compensation awarded by the Tribunal, for injuries sustained in the accident can hardly be called as excessive. Hence, in appeal no interference is warranted. Hence, the appeal being without merit stands dismissed.

7] Amount of Rs.25,000/-, deposited as statutory deposit in this Court be transferred to the concerned Tribunal.

[DR.SHALINI PHANSALKAR-JOSHI, J.]