

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****CIVIL APPELLATE JURISDICTION*****FIRST APPEAL NO. 760 OF 2019****Reliance General Insurance Company Limited ..... Appellant****VERSUS****Tulshiram Chandar Mokashi & Anr.****..... Respondents**

Mr.Nikhil Mehta, a/w. Mr.Rahul Mehta, i/b. M/s.KMC Legal Venture  
for het Appellant/Applicant.

Ms.Rina Kundu for the Respondents/Applicant in CAF/2189/2019.

**CORAM : R.D. DHANUKA, J.****DATE : 28<sup>th</sup> NOVEMBER, 2019****P.C.**

By this first appeal, the appellant has impugned the order dated 8<sup>th</sup> December,2017 passed by the M.A.C.T. directing the appellant to pay to the original applicant a sum of Rs.61,000/- inclusive of NFL amount with interest at the rate of 9% p.a.

2. By consent of parties, the first appeal is heard finally.

3. Mr.Mehta, learned counsel for the appellant submits that though in the written statement filed by his clients, the claim was resisted on the ground that there was breach of the terms and conditions of the insurance policy as the driver of the offending vehicle who was not holding valid driving licence, the Tribunal has allowed the claim made by the original applicant.

4. Learned counsel however does not dispute that though the said

plea was raised in the written statement, no evidence was led by the appellant before the Trial court.

5. In my view, there is no substance in this submission of the learned counsel for the appellant.

6. Insofar as quantum is concerned, I have perused the findings rendered in paragraph (13). The amount of Rs.5,000/- per month considered by the Tribunal is just compensation and I do not propose to interfere with that part of the award made by the Tribunal.

7. The multiplier of 17 considering the age of the applicant is also rightly applied. There is no infirmity in the impugned judgment and award rendered by the M.A.C.T.

8. The appeal is devoid of merits and is accordingly dismissed. No order as to costs.

9. Office is directed to transmit the statutory deposit of Rs.25,000/- deposited by the appellant to the concerned M.A.C.T. expeditiously.

**[R.D.DHANUKA, J.]**