

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

CIVIL APPLICATION (CAF) NO. 2465/2018 IN
FIRST APPEAL STAMP NO. 8264/2018

Shriram General Insurance Co. Ltd., through its Branch Manager, Nagpur.

V/s

Sarita wd/o Umesh Padam 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 Mahesh Vyas, counsel h/f Shri S.A. Jaiswal, counsel for the
applicant/appellant.

CORAM: ARUN D. UPADHYE, J.

DATE: 18-01-2019.

Heard learned counsel for the applicant/
appellant. None appears for the non-applicants /
respondents.

Perused the application. There is a delay of 221
days in filing the present appeal. Considering the reasons
stated in the application, delay is condoned.

Civil Application is allowed.

FIRST APPEAL STAMP NO. 8264/2018

Heard learned counsel for the appellant.
Respondent are served in application for condonation of
delay, however none present for the respondent. The first
appeal could be decided at the stage of admission.

The appellant is challenging the impugned judgment and order dated 19/06/2017 passed by the Member, Motor Accident Claims Tribunal, Nagpur, below Exhibit No.5 in Claim Petition No. 718/2015. By the impugned order, the learned Tribunal has allowed the application and granted compensation @ Rs. 50,000/- to the respondent Nos. 1 and 2 /claimants with interest @ 7.5% per annum.

The learned counsel for the appellant/Insurance Company has submitted that there was breach of policy and therefore the respondent Nos. 1 and 2/original claimants are not entitled for the compensation and pray that the first appeal be allowed.

I have perused the impugned judgment and order. Submission put-forth on behalf of the appellant/insurance company cannot be considered.

The learned Tribunal, has rightly observed that the submission raised by the insurance company not to be considered and it is a matter of evidence. The vehicle involved in the accident is not disputed. The death occurred due to the accident is also not disputed. Therefore, the claimants have complied necessary requirements under Section 140 of the Motor Vehicles Act. The impugned order does not require any interference. The appeal filed by the insurance company is liable to be dismissed.

Hence, I pass following order:-

ORDER

- 1] The First Appeal Stamp No. 8264/2018 is dismissed.
- 2] No order as to costs.

JUDGE