

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

FIRST APPEAL NO.07 OF 2019

ICICI Lombard General Insurance Co. Ltd. Nagpur Thr. Its Manager Dadasaheb Dattu
Tarate

-vs-

Ravindra Shriramji Raut and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Smt A. S. Athalye, Advocate for appellant.

CORAM : A.S.CHANDURKAR, J.

DATE : January 22, 2019

The learned counsel for the appellant by relying upon the decision in *Yallwwa and ors. vs. National Insurance Co. Ltd. And anr. AIR 2007 SC 2582* submits that as the breach of conditions of the insurance policy is obvious from the record, no liability under Section 140 of the Motor Vehicles Act, 1988 could have been saddled on the appellant.

Issue notice for final disposal of the appeal, returnable on **11/03/2019**.

Civil Application (CAF) No.38 of 2019

On the applicant depositing an amount of Rs.25,000/- in this Court within period of four weeks from today, the execution of the impugned order shall remain stayed during pendency of the appeal. Civil Application is disposed of.

JUDGE