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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1325 OF 2018
WITH
CIVIL APPLICATION NO.4537 OF 2018

Reliance General Insurance Co. Ltd.	...Appellant
V/s.	
Riyazuddin G. Shaikh & Ors.	...Respondents

Mr.Rahul Mehta i/b KMC Legal Venture for the Appellant / Applicant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 25TH FEBRUARY, 2020.

P.C. :-

1. The papers are allowed to be produced at 3.00 p.m.
2. Heard Mr.Mehta, learned counsel appearing for the appellant. The appellant has filed this First Appeal under section 173 of the Motor Vehicles Act, 1988 impugning the judgment and award dated 7th December, 2019 passed by the M.A.C.T., Mumbai in MACP No.1591 of 2009 thereby allowing part of the claims made by the respondent nos.1 and 2.
3. Mr.Mehta, learned counsel for the appellant submits that the appellant seeks to press the only issue in this First Appeal that when the accident took place, the insurance policy was not in force. He fairly invited my attention to the findings rendered by the Tribunal

in paragraph 10 of the judgment and award. When this Court had enquired whether the appellant had led any evidence in support of the plea that the insurance policy was not in force on the date of accident, learned counsel for the appellant responded that his client had not led any evidence before the Tribunal. Statement is accepted.

4. A perusal of findings rendered in paragraph 10 of the judgment and award by the Tribunal clearly indicates that specific issue raised by the learned counsel before this Court has been specifically dealt with in the said paragraph. The original applicants had produced the cover note of the appellant's insurance policy disclosing registration number of the dumper as MH-04 CU 226. The name of the opposite party was specifically mentioned in the cover note. The effective period of the insurance policy was from 24th May, 2009 to 23rd May, 2010, whereas the accident occurred on 26th May, 2009. It is thus clear that the accident took place within the period of insurance policy. There is thus no substance in this submission of the learned counsel for the appellant.

5. No other submission is made by the learned counsel for the appellant. I do not find any infirmity with the judgment and award rendered by the Tribunal. The appeal is devoid of merit and is accordingly dismissed.

6. The appellant is directed to convey this order to the respondent nos.1 and 2 for information. The respondent nos.1 and 2

would be at liberty to withdraw the entire amount deposited by the appellant. If there is any short fall in recovering the decretal amount, the appellant shall deposit the balance amount within two weeks from the date of such computation by the M.A.C.T. If there is any surplus amount left after payment of the decretal amount, the Tribunal shall refund the said amount to the appellant on production of an authenticated copy of this Court.

7. The office is directed to transmit the amount of Rs.25,000/- deposited by the appellant as and by way of statutory deposit to the concerned M.A.C.T. expeditiously.

8. In view of dismissal of the First Appeal, all pending civil applications do not survive and are accordingly disposed of.

9. All parties as well as the M.A.C.T., Mumbai to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)