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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (STAMP) NO.21673 OF 2018
WITH
CIVIL APPLICATION NO.212 OF 2019

Reliance General Insurance Co. Ltd.	...Appellant
V/s.	
Pratik R. Dhode & Ors.	...Respondents

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

Ms.Varsha Chavan for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 5TH MARCH, 2020.

P.C. :-

1. By consent of the parties, who are present in Court, the First Appeal is taken on record and heard finally.

2. The appellant has impugned the order dated 28th November, 2016 passed by the M.A.C.T., Mumbai allowing the application under section 140 of the Motor Vehicles Act, 1988 filed by the respondent no.1. The Tribunal has made *prima-facie* observations holding that the sole negligence is on the part of the driver of the offending vehicle insured with the appellant.

3. I am not inclined to interfere with the impugned order passed by the Tribunal. It is however, made clear that the observations made by the learned Tribunal in the impugned order

dated 28th November, 2016 are *prima-facie*. The Tribunal will not be influenced by the said *prima-facie* observations made in the impugned order at the time of deciding the application filed under section 166 of the Motor Vehicles Act, 1988. The First Appeal is dismissed with the aforesaid clarification.

4. Pending civil applications, if any, do not survive and are accordingly disposed of.

5. The office is directed to transmit an amount of Rs.12,500/- deposited by the appellant as and by way of statutory deposit to the M.A.C.T., Mumbai expeditiously.

(R.D. DHANUKA, J.)