

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

FIRST APPEAL NO. 382/2020

Bharti Axa General Insurance Company, thr. its Manager (Legal) **V/s** Smt Manik wd/o
Harshwardhan Pitale and others.

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

Court's or Judge's Orders

Shri A.K. Bhuibhar, advocate h/f Shri R.D. Bhuibhar, Advocate for appellant

CORAM : S.M. MODAK, J.

DATE : 29.09.2020.

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2] The learned Member, Motor Accident Claims Tribunal-4, Nagpur directed the Insurance Company and the Owner to pay compensation to the claimants as per the order dated 05.12.2019.

3] The Insurance Company took a defense about the breach of the policy, in terms of not holding a driving license to drive a four wheeler. The insurance company is also having grievance that the learned Member, Motor Accident Claims Tribunal-4, Nagpur has not appreciated the evidence properly.

4] Issue notice to respondents, returnable in last week of October, 2020.

Civil Application (F) 1192/2020

The applicant/appellant is ready to deposit the entire amount of compensation in this Court.

2] Stay is granted to the execution of the Order dated 05.12.2019 passed in MACP No. 327/15 by Member MACT, Nagpur, subject to deposit of the decretal amount within a period of four weeks in this Court.

3] Civil Application is disposed of .

4] The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE