

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

First Appeal No.613/2018

The United India Insurance Co. Ltd. Vs. Smt. Vandana Wd/o Subhash Kale & Ors.

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

Court's or Judge's Orders

Shri H.V. Thakur, Advocate for the Appellant.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 10th MARCH, 2021.

The Appellant herein has challenged the order dated 22/07/2016 passed by the Claims Tribunal in M.A.C.P. No.532/2008, allowing the application under Section 140 of the Motor Vehicles Act.

02] The impugned judgment indicates that the Appellant – Insurance Company had contested the application on the ground that the driver was not authorised to drive the motor vehicle, as he was not holding a valid driving licence. The question, whether the respondent - driver was holding a valid driving licence or whether the Appellant – Insurance Company is not liable to indemnify the insured for breach of terms and conditions of the policy, is required to be decided on merits of the matter.

03] It may be mentioned that the object of Section 140 is to provide immediate relief to the victims of the accident. The victims cannot be deprived of the interim relief on such grounds which require adjudication on merits. Doing so, would frustrate the very act of the provision.

04] Hence, the appeal has no merits and is accordingly dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)