

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.52/2015

TATA AIG GENERAL INSURANCE
CO. LTD., THROUGH ITS AUT.
SIGNATORY ALOK KUMAR
GUPTA

... APPELLANT

Versus

RASHMI RAGHUVIR PARAB
FATREKAR AND 2 ORS.

... RESPONDENTS

Mr. Milton Marshal h/f Mr. V. Kurtikar, Advocate *for the Appellant.*

Mr. A. D. Bhobe with Ms. A. Kuvelkar, Advocates *for the Respondents.*

CORAM: M. S. SONAK, J.

DATED: 23rd September 2022

P.C.:

1. Heard Mr. Milton Marshal for the appellant and Mr. Ashwin Bhobe for the respondents-claimants.
2. By a separate order, this First Appeal which had been dismissed for default and non-prosecution, has been restored.

3. Mr. Marshal admits that in this case the appellant-insurance company had not obtained leave under Section 170 of the Motor Vehicles Act, 1988. Considering the grounds raised in this appeal, it is obvious that such appeal will not survive considering the law laid down by the Division Bench of this Court in *I.C.I.C.I. Lombard General Insurance Co. Ltd., Amravati v/s. Surekha wd/o Prakash Ghurde & Ors. - (2020) 2 Bom.C.R. 465.*

4. Accordingly, this appeal is dismissed.

5. Now that this appeal is dismissed, the respondents will be entitled to withdraw the deposited amount together with interest thereon. For this, the respondents should furnish identification documents and bank details. The Registry to ensure that the amounts are transferred directly into the accounts of the respondents-claimants.

M. S. SONAK, J.

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