

Suchitra

**IN THE HIGH COURT OF BOMBAY AT GOA**

**FIRST APPEAL NO.49 OF 2015**

ICICI LOMBARD GENERAL  
INSURANCE COMPANY  
LTD., THR. ITS LEGAL MANAGER,  
II Floor, SVR Complex, 89,  
Hasur main road,  
Madivala Koramangala,  
Bangalore, 5600689.

...APPELLANT

***Versus***

1. SEBASTIAO CASTANTINNHO  
s/o Antonio Castantinnho (since deceased)  
through the legal heirs

1a. Master Annestio Piety Castanha,  
age 14 years approximately

1b. Shweta Castanha, Daughter of  
Sebastiao Castantinnho, age 15 years  
approximately

1c. Piedade Daurado , wife of Sebastiao  
Castantinnho, age 40 years approximately

1d. Natalia Monteiro alias Castanha ,  
Daughter of Xavier Monteiro, age 65 years  
approximately  
all resident of H. 10. 588/B, Camarxete,  
Curtorim, Salcete, Goa.

2. Mr. Damaciano Crasto, s/o Antonio  
Crasto, major in age, r/o, H. no. 358,  
Davondem, Margaon, Goa.

...RESPONDENTS

**None for the Appellant.**

**Mr. J. Godinho, Advocate for Respondents No.1D and 1E.**

**CORAM: M. S. SONAK, J.**

**DATED: 17<sup>th</sup> MARCH 2022**

**ORAL JUDGMENT :**

1. None for the appellant though the matter was duly notified on the cause list.
2. In the case of this very appellant, the Division Bench of this Court in *I.C.I.C.I. Lombard General Insurance Co. Ltd., Amravati vs. Surekha w/o. Prakash Ghurde and ors. (2020) 2 Bom CR 465*, has held that in an appeal at the instance of the insurance company questioning the quantum of compensation is not maintainable in the absence of permission under Section 170(b) of the Motor Vehicle Act, 1988.
3. On perusal of the grounds in the memo of appeal, it is clear that the appellant-insurance company is questioning the quantum of compensation awarded by the Tribunal in its impugned award dated 04.10.2013. Mr. Godinho, learned counsel for the claimants points out that no leave under Section 170(b) of the Motor Vehicle Act, 1988 was obtained by the insurance company.

4. Therefore, following the law laid down by the Division bench of this Court in *I.C.I.C.I. Lombard General Insurance Co. Ltd. case (supra)*, this appeal is hereby dismissed.

5. The dismissal of this appeal will not come in the way of the appellant-Insurance Company from instituting any other proceedings, if maintainable in law.

6. If any amount is deposited by the appellant-insurance company, the claimants will be entitled to withdraw the same after four weeks from today together with interest if any that may have accrued thereon. This is subject to the appellant-insurance company, in the meanwhile, securing any restraint orders.

7. The claimants will have to furnish necessary identification and bank details so that the Registry can directly deposit the amounts into the respective bank accounts of the claimants.

8. This appeal is accordingly disposed of.

**M. S. SONAK, J.**