

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.96 OF 2018

Bharti Axa General Insurance Company
Limited,
Local office address, Panaji Goa.
Regional office address-
Ground and Forth floor,
Interface-11, New Link Road,
Malad, West Mumbai, 400 064,
through its Manager,
(Insurer of Truck bearing No. GA-05-T-
0549)

... Appellant

Versus

1. Smt. Laxmi alias Laximi Manjunath
Naik

W/o late Manjunath Natraj Naik,
Aged 35 years, housewife,

2. Mast. Shrinivas Manjunath Naik
S/o late Manjunath Natraj Naik,
Aged 16 years, student,

3. Kum. Shivani Manjunath Naik,
D/o late Manjunath Naik,
Aged 11 years, student,
All residents of H.No.263,
Tembwada, Keri, Sattari Goa,
Respondent Nos.2 and 3 were represented
by respondent No.1 – mother as natural
guardian.

4. Shaikh Saleem
S/o Shaikh Abdul Hamid,
major age, R/o Tisk, Usgao,
Ponda Goa.

5. Smt. Freeda Roshan Mathias,
Major of age, business,
r/o H.No.66, Mathias Mansion Silva
Nagar, Ponda Goa.

... Respondents

Mr. James Lopes, Advocate for the appellant.
Mr. J. J. Mulgaonkar, Advocate for respondent Nos. 1, 2 and 3.

CORAM: M. S. SONAK, J.

DATED: 21st July 2022

ORAL JUDGMENT

1. This is an appeal by the Insurance Company. Admittedly, no leave was obtained before the tribunal under Section 170 of the M. V. Act. Therefore, following the decision of the Division Bench in *I.C.I.C.I. Lombard General Insurance Co. Ltd., Amravati Vs. Surekha w/o Prakash Ghurde and others¹*, this appeal will have to be dismissed as not maintainable. The appeal is accordingly dismissed.

2. The respondents-claimants will be entitled to withdraw the amount deposited by the Insurance Company in this Court after six weeks unless in the meanwhile the appellant obtains any restraint order.

3. The appeal is disposed of in the above terms. There shall be no order for costs.

M. S. SONAK, J.