

Niti

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.984 OF 2019
IN
FIRST APPEAL NO.13 OF 2016

VISHWAJIT V. MAYEKAR & ANR. ...APPLICANTS

Versus

THE NEW INDIA ASSURANCE
COMPANY LTD. & 4 ORS. ...RESPONDENTS

Mr. Parikshit Sawant, Advocate for the Applicants.

Mr. P. Shirodkar, Advocate for Respondent No.1.

CORAM: M. S. SONAK, J.

DATED: 1st APRIL 2022

P.C. :

1. Misc. Civil Application is disposed of by placing First Appeal No.13 of 2016 for directions/disposal on 07.04.2022.

2. Mr. Sawant points out that First Appeal No.13 of 2016 has been instituted by the Insurance Company. He points out that no leave was obtained by the Insurance Company under Section 170(b) of the MV Act. Therefore, by following 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 w/o.*

*Prakash Ghurde and ors.*¹ the main appeal itself will have to be dismissed.

3. Mr. P. Shirodkar states that he will obtain instructions by the next date on the status of leave under Section 170(b) of the MV Act. If no such leave or evidence of such leave be granted is produced on the next date, this Court shall proceed on the basis that no such leave was in fact granted.

4. Stand over to 07.04.2022 for directions/disposal.

M. S. SONAK, J.

NITI K
HALDANKAR

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¹ (2020) 2 Bom.CR 465