

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

First Appeal No.425/2016

Shriram General Ins. Co. Ltd V Smt. Manda and others
and

CAF No.389/202 in First Appeal No.434/2016 (D)

Shriram General Ins. Co. Ltd V Smt. Chhaya and others

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

Court's or Judge's Orders

Mr. PN. Khadgi, Adv for appellant.
Mr. S.S. Alaspurkar, Adv for resp. nos.1 to 4.
Mr. PR. Agrawal, Adv for resp. no.6. (resp. no.5 in FA 434/16)
Mr. U.N. Fuladi, Adv for resp. no.7.
Mr. S.N. Dhangare, Adv for resp.no.8.

CORAM : AVINASH G GHAROTE, J.

DATE : 07-12-2022

Both the appeals are by the Insurance Companies against the award of the MACT, Amravati, dated 16-02-2015, whereby the compensation awarded has been apportioned equally between them. All the counsel submit, that since only the issue regarding as to the liability of the insurance company is involved, the matter can be decided finally at this stage itself, considering which, the matter is taken up for final disposal.

2. It is not disputed that the accident had occurred on 11-06-2009 on which date the insurance cover by the Oriental Insurance Company in F.A. No. 434/16, was in force, being for the period 24-03-2009 to 23-03-2010. On the date of the accident, the insurance cover by Shriram

General Insurance Company Ltd. in F.A.No. 425/16, was also in force, as it was for the duration 08-06-2009 to 07-06-2010. This is, therefore, a case in which the life of the deceased was insured by both the companies on the date of the incident, considering which, the judgment of the learned Tribunal which holds them equally responsible for payment of the compensation to the extent of 50% each cannot be faulted with. No rule or proposition has been brought to my notice by the learned Counsel for the respective appellants indicating any contrary position. The appeals are, therefore, dismissed.

3. The amount of compensation to the tune of Rs.7,68,400/-, as per Pursis St. No.5/22 along with accrued interest part of which has been deposited before the learned MACT, Amravati and part of which is deposited here by both the Insurance Companies, be paid to the claimants with accrued interest. The balance amount remaining, shall be refunded back to the respective Insurance Companies as per their entitlement.

4. Both the Appeals are dismissed. No costs.

JUDGE