

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

FIRST APPEAL NO.86 OF 2021

[Cholamandalam MS General Insurance Company Limited .vs. Vidhya w/o Ramesh Thawkar and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Mrunal Naik, Advocate for appellant,
Shri Kunal Mirache, Advocate for respondent no.1,
Shri Virat Mishra, Advocate with Shri Kabir Jhamb, Advocate for
respondent no.2.

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 08/06/2022.

This appeal is already covered by the judgment dated 14.3.2018 passed by this Court in First Appeal No.867/2017.

The appellant-insurance company has challenged the interim award passed by the Tribunal under Section 140 of the Motor Vehicles Act, 1988 directing the respondent before the Tribunal to pay interim compensation of Rs.25,000/-. However, the respondent was directed to pay jointly and severally the said compensation. According to the appellant, the vehicle was not insured with him. It is alleged that fake and fabricated documents are filed before the Tribunal. The respondent herein i.e. the owner of the vehicle denied the same.

This Court in First Appeal No.867/2017, after considering the fact, modified the order of the Tribunal and held that the owner of the vehicle is liable to pay amount of interim compensation. The amount deposited by the appellant-insurance company was directed to be transferred to the Tribunal. The disbursement of this amount shall be as per the order which may be passed by the Tribunal at the conclusion of the trial.

First Appeal No.867/2017 is arising out of the same accident and owner and insurance-company being the same, this appeal is disposed of in above terms. No order as to costs.

Registry is directed to transfer the amount deposited by the insurance company to the Tribunal.

[Smt. M.S. Jawalkar, J.]

Gulande