

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

FIRST APPEAL NO.690 OF 2021

The Controller, MSRTC, Sitabuldi, Railway Station Road, Nagpur

-vs-

Sangita wd/o Suresh Kantode and ors.

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

Court's or Judge's Orders.

Shri P. S. Gawai, Advocate for appellant.

CORAM : NITIN W. SAMBRE, J.

DATE : August 29, 2022

This appeal filed by the appellant-Maharashtra State Road Transport Corporation challenging the judgment and award passed by the M.A.C.T. Nagpur delivered in Spl. Claim Petition No.23/2016 allowed on July 05, 2021.

While questioning the said judgment, the learned counsel for the appellant would urge that the appellant has substantially raised plea as regards negligence on the part of the deceased who was riding the vehicle. He would urge that the said issue has not been considered by the Tribunal.

I have appreciated the said submissions.

In a proceeding under Section 163-A of the Motor Vehicles Act, 1988, the plea of negligence has hardly any consequence. The Honourable Apex Court in the matter of *United India Insurance Company Ltd vs. Sunil Kumar and anr.*

reported in *(2019) 12 SCC 398* has already observed that such ground is not available to the insurer while dealing with proceeding under Section 163-A of the Motor Vehicles Act, 1988.

In the aforesaid backdrop, I hardly see any reason so as to warrant interference in the jurisdiction of the first appeal.

The appeal therefore stands dismissed. Pending civil application also stands disposed of accordingly.

(NITIN W. SAMBRE, J.)

Asmita