

Ghuge

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL STAMP NO.25753 OF 2019
WITH
INTERIM APPLICATION NO.505 OF 2019
WITH
INTERIM APPLICATION NO.506 OF 2019**

HDFC Ergo General Insurance Co. Ltd ... Appellant

V/s.

Baban Mahadev Wable and Ors. ... Respondents

Ms. Sweta Shah and Aditya Mahadik i/b Abhijit P.
Kulkarni for the appellant.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 25, 2023

P.C.:

INTERIM APPLICATION NO.505 OF 2019

1. This is an Interim Application for condonation of delay of 40 days for filing the First Appeal.
2. For the reasons stated therein, the Interim Application is allowed in terms of prayer clause (b).
3. No costs.

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4. The challenge in this first appeal is to the order dated 15th April 2019 passed by the learned Member, 6th Court, Motor Accident Claims Tribunal, Mumbai directing the appellant to pay no fault liability to the claimant.

5. The claimant filed the claim seeking compensation against the insurance company and the owner and driver of the vehicle. In the said claim, the claimant filed an application under Section 140 of the Motor Vehicles Act, 1988. The learned Tribunal by the impugned order directed the opponents to pay interim compensation of Rs.50,000/-.

6. On perusal of the impugned order, it appears that at this stage it is not in dispute that the policy was in existence. The defense of the company that the policy was fake and other defenses raised can be considered at the time of final disposal of the claim. The learned Tribunal based on the relevant factors has passed an order directing the company to pay an amount of Rs.50,000/- along with interest at the rate of 7.5% per annum.

7. In that view of the matter, the first appeal cannot be entertained. The first appeal is, therefore, dismissed. No costs.

8. In view of dismissal of the first appeal, the Interim Application No.506 of 2019 does not survive and stands disposed of as such.

(AMIT BORKAR, J.)