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

**FIRST APPEAL (ST.) NO.26986 OF 2019
WITH
INTERIM APPLICATION NO.1345 OF 2019**

HDFC Ergo General Insurance Co. Ltd. ... Appellant

V/s.

Akhil Vijaykumar Miriyala & Anr. ... Respondents

Mr. Abhijit P. Kulkarni with Mr. Aditya Mahadik and Ms.
Sweta Shah for the appellant.

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CORAM : AMIT BORKAR, J.

DATED : JANUARY 7, 2023

P.C.:

- 1.** The challenge in this first appeal is to the order dated 18th February 1996 passed by the learned Member, 7th Court, Motor Accident Claims Tribunal, Mumbai directing the appellant to pay no fault liability to the claimant.
- 2.** 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.25,000/-.
- 3.** 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.25,000/- along with interest at the rate of 7.5% per annum.

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

5. In view of dismissal of the first appeal, the interim application does not survive and stands disposed of as such.

(AMIT BORKAR, J.)