IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 809 OF 2001

United India Insurance Company Ltd., Satara)… Appellant

Versus

1 Sulochana Devendra Saswade)
Age 45, Occupation : Nil)
2 Anil Devendra Saswade)
Age 18, Occupation : Student)
Both are residing at 223/8, Guruwar Peth, Satara)
3 Achyut Govind Khandalkar)
Age 22, Occupation : Driver, Resident of 1146,)
Machi Peth, Shaniwar Peth, Satara)
(As per RJ (II) order dated 1.11.2023 stand abated.))… Respondents

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Ms. Poonam Mital, Advocate for the Appellant.
Mr. Vilas A. Jadhav i/b. Sudhir Hardikar, Advocate for Respondent Nos. 1 and 2.

CORAM : SHIVKUMAR DIGE, J.
DATED : 2nd DECEMBER, 2024.

ORAL JUDGMENT :

1. The issue involved in this appeal is compensation awarded is on higher side.

2. It is contention of learned counsel for the appellant-Insurance company that the insurance in respect of the passenger in the passenger carrying vehicle was limited to Rs.15,000/- but the Tribunal has awarded Rs.75,000/- as compensation, which is erroneous hence requested to allow the appeal.

3. It is contention of learned counsel for respondents/claimants that the Tribunal has passed well reasoned order, no interference is required in it and requested to dismiss the appeal.

4. I have heard both the learned counsel. Perused the Judgment and Order passed by Motor Accident Claims Tribunal, Satara (for short "the Tribunal"). Though the appellant-Insurance Company has taken defence that the liability of insurance company was Rs.15,000/- only but no evidence was led on record to prove the said fact. It is settled principle of law that if insurance company takes any defence it has to be proved by leading the evidence hence I do not see merit in the contention that the liability of the Insurance company is limited to Rs.15,000/- and I pass following order.

ORDER

(i) The appeal is dismissed.

(ii) The claimants are permitted to withdraw the compensation amount along with accrued interest thereon deposited by the appellant-Insurance Company.

(iii) The statutory amount be transferred to the Tribunal. The parties are at liberty to withdraw it as per the Rules.

(iv) Pending interim applications, if any, stand disposed of.

(SHIVKUMAR DIGE, J.)