

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1128 OF 2011

Janardan Bhanudas Satpute & Anr.

...Appellants

Versus

The Oriental Insurance Company Ltd. & Ors.

...Respondents

Mr. Milind Deshmukh a/w. Mr. Omkar Wable and Mr. Swapnil Vighne
for Appellants.

Ms. Poonam Mital for Respondent No.1.

CORAM : JITENDRA JAIN, J.

DATED : 1st OCTOBER 2024

P.C.

1. Heard Mr. Deshmukh for the Appellants and Ms. Mital for Respondent No.1. The present appeal is filed against an order dated 24^h February 2011 passed by Motor Accident Claims Tribunal, Malshiras. The Tribunal has partly allowed the claim by directing Respondent Nos.2 and 3 jointly and severally liable to pay sum of Rs.4,86,128/- to Appellant Nos.1 and 2 towards compensation under Section 166 of the Motor Vehicles Act along with interest @ 9% per annum from the date of filing the petition till its realisation.

2. Learned counsel for the Appellants has raised following two issues namely:-

- (i) The Tribunal has not given any reason as to why Respondent No.1-Insurance Company is not liable for paying the compensation to the Petitioner.
- (ii) The Tribunal has not given valid reason for granting only Rs.1,91,670/- as against Rs.3,88,582/- towards medical expenses of deceased.

He, therefore, requests that the matter be remanded back to the Tribunal for giving its findings on these two issues.

3. Ms. Mital for Respondent No.1-Insurance Company fairly submits that in the impugned order, there is no discussion by the Tribunal as to why the Insurance Company is exonerated. Therefore, she submits that she has no objection if the matter is remanded back to the Tribunal for giving its reasoning on this issue.

4. After having heard learned counsel for the Appellants and Respondent and after perusing the impugned order, I could not find any reasoning given by the Tribunal for exonerating Respondent No.1-Insurance Company from payment of compensation and this is also agreed to by both the parties that there is no reasoning for the same. I, therefore, in the interest of justice remand the matter back to the Tribunal for giving reasons as to whether and why Respondent No.1-

Insurance Company is not liable to make payment.

5. Insofar as the claim of medical expense of Rs.3,88,582/- is concerned, the Tribunal has vaguely stated that valid hospital bills and medical bills are considered while granting claim of Rs.1,91,670/- towards the same. There is no reasoning as to why the balance amount (388582 – 191670) 196912 were not valid. Therefore, the Tribunal is directed to give its reasoning for accepting or rejecting the balance medical expenses.

6. The impugned order is remanded only on the aforesaid two issues. I, therefore, pass the following order:-

- (i) The impugned order dated 25th February 2011 is remanded back to Motor Accident Claims Tribunal, Malshiras to give its reasoning as stated above.
- (ii) Since the accident took place in 2007, the Tribunal is requested to pass the order on remand on or before 30th March 2025.
- (iii) Registry is directed to send the original R&P to the appropriate Court forthwith.
- (iv) Appeal is allowed to the above extent.

[JITENDRA JAIN, J.]