

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4285 OF 2023
IN
FIRST APPEAL NO.118 OF 2023

Padmashree Bharat Nille & Ors. Applicants

IN THE MATTER BETWEEN

Tata AIG General Insurance Co. Ltd. Appellant

V/s.

Padmashree Bharat Nille & Ors. Respondents

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SANTOSH
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Date: 2024.06.18
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Mr.Nagesh Y. Chavan, for Applicant Nos.1 & 2.

Mr.D.S. Joshi, for the Appellant in First Appeal and for the
Respondent in IA.

Mr.Parth Modak i/b Mr.Bhushan Walimbe, for Respondent No.4.

CORAM : ARUN R. PEDNEKER, J.

DATE : 13th JUNE 2024

P.C:-

. Heard learned counsel for the Applicant.

2. The Insurance Company is filed First Appeal
challenging the judgment of the Tribunal primarily on two
counts. The learned counsel submit that policy commenced on
7th July 2017 after the accident. Secondly, policy is Act only

policy. As such occupant within the vehicle could not be covered within the policy. However, both the contention of the Appellant has been negative by the Tribunal, by observations at paragraph Nos.32 and 36. Without going into the merits of the contention raised and taking into consideration the above submissions of the Insurance Company, it is proper to admit the Appeal and I permit the Claimant's to withdraw 25% of the compensation amount along with accrued interest thereon. Since, the Appeal is only filed by the Insurance Company, the judgment of the Tribunal is not stayed against the occupant No.2/owner of the vehicle.

3. On admission, the learned counsel for the Claimant's Mr.Nagesh Y. Chavan, waives notice.

4. The Application for withdrawal is disposed of.

5. Call Record and Proceedings.

(ARUN R. PEDNEKER, J.)