

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

FIRST APPEAL NO.87 OF 2010

Gurudas Narayan Bhise	}	
Age-20 years, Occ : Education	}	(Org.
R/at Malharpeth, Taluka-Patan,	}	Claimant)
District-Satara	}	...Appellant

Versus

1. The Oriental Insurance Co. Ltd.	}	
Branch Office at Powai Naka, Satara	}	
 2. Imtiyaj I Chougule	 }	
Age-44 years, Occ: Tempo Owner	}	
R/o. Poonam Plaza, Plot No.8, Near Hotel	}	(Org.
Green Park, Chiplun, Taluka- Chiplun,	}	Opponents)
District-Ratanagiri.	}	...Respondents

Mr.Sharad Bhosle i/b Mr.Dilip Bodake, for the Appellant.
Ms.Poonam Mital, for Respondent Nos.1.

CORAM : SHIVKUMAR DIGE, J.

DATE : 12th MARCH 2024

ORAL JUDGMENT :-

1. The Appeal is preferred by the Appellant-Claimant against dismissal of the Claim Petition.

2. It is contention of the learned counsel for the Appellant-Claimant that at the time of the accident, Claimant was

riding on the motorcycle and his motorcycle was dashed by the offending tempo. The offence was registered against the driver of the pickup tempo. Due to accidental injuries, the Claimant has suffered 41% partial disability, but these facts are not considered by the Tribunal and has dismissed the Claim Petition, which is erroneous. Hence, requested to allow the Appeal.

3. It is contention of the learned counsel for the Respondent-Insurance Company that, at the time of the accident the Claimant was 17 years old. The Claimant was minor and he was not holding effective and valid driving license. The Tribunal has considered all the aspects while dismissing the Claim Petition. Hence, requested to dismiss the Appeal.

4. I have heard both learned counsel. Perused judgment and order passed by the Motor Accident Claims Tribunal ('The Tribunal' for short), Satara.

5. While dismissing the Claim Petition, the Tribunal has observed that at the time of the accident the Claimant was below 18 years of the age and as per the provisions of the Motor Vehicles Act, he was not competent to drive the motorcycle more

than 50 C.C., but bus offending vehicle was 80 C.C. The Claimant was not holding effective and valid driving licenses at the time of the accident and on that ground the Tribunal has dismissed the Claim Petition. I do not find infirmity in it as, at the time of the accident, the Claimant was minor. He was riding the motorcycle without having valid and effective driving license.

6. In view of above, I pass following order.

ORDER

- (i) The Appeal is dismissed.
- (ii) All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)