

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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FIRST APPEAL NO.1421 OF 2024
WITH
CROSS OBJECTION STAMP NO.25481 OF 2024
WITH
FIRST APPEAL NO.1420 OF 2024
WITH
CROSS OBJECTION STAMP NO.25321 OF 2024

Cholamandalam M. S. General Insurance
Company Limited, Through :-
Its Manager Neha S. Hake

...Applicant/Appellant

vs.

Kum.Simran Arif Pathan and Ors.

...Respondents

Mr.Rajesh Kanojia a/w Ms.Prachi Pawar i/b. Res Juris:-	Advocate for Appellant Insurance Company.
Mr.Yogesh Pande a/w Ms.Rupa Singh and Ms.Pooja Pall i/b. Mr.Rajan Pawar:-	Advocate for Respondent Nos.1 and 2.

CORAM : S. M. MODAK, J.

DATE : 10th SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate Shri.Kanojia for the Appellant Insurance Company and learned Advocate Shri.Pande for the Claimants – Respondent Nos.1 and 2.

2. One of the grounds of objection by Mr.Pande is, the scope of the

Appeal filed by the Appellant. He wants, the Appellant to clarify, whether the Application was filed before the Tribunal under the provisions of Section 170 of the Motor Vehicles Act, 1988 (“**MV Act**”) and the order passed therein.

3. Before this, Mr.Kanojia has shown to me a copy of order dated 21st February 2018 passed by the Claims Tribunal Nashik. The Tribunal permitted to proceed under Section 170 of MV Act. Mr.Pande has also seen the Application and order therein. Still, Mr.Pande is having grievance. According to him, there is no reasoned order. Whereas, according to Mr.Kanojia, the Claimant ought to have challenged that order during pendency of the Petition and they have not done it.

4. Whether, the order is reasoned or not, can be argued by the parties. Court will take a decision while deciding the Appeal. Mr.Pande has clarified that he will be praying for enhancement. Let him to take appropriate steps.

5. Stand over to **19th September 2024.**

[S. M. MODAK, J.]