

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11114 OF 2024

Shriram General Insurance Co. Ltd. Petitioner

V/s.

Pravin Ramnath Kakad & Anr. Respondents

Ms. Shalini Shankar, for the Petitioner.

CORAM : SHIVKUMAR DIGE, J.

DATE : 30th SEPTEMBER 2024

P.C:-

1. By this Petition, the Petitioner has challenged the order passed by the Motor Accident Claims Tribunal (for short 'Tribunal') in Claim Petition No.1227 of 2019 passed under Section 140 of the Motor Vehicle Act, 1988. By the impugned order the Tribunal has awarded Rs.25,000/- to Respondents.

2. It is contention of the learned counsel for the Petitioner that, Respondents have produced fake Insurance Policy before the Tribunal. The Petitioner has raised objection before the Tribunal, but the Tribunal has not considered this fact. Hence, requested to allow the Petition.

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3. Notice is issued to Respondent Nos.1 and 2, but it is under await category. As the impugned order is passed in the year 2019, hence I am deciding this matter on merit.

4. I have heard learned counsel for the Petitioner. Perused impugned order.

5. While passing the impugned order the Tribunal has observed that, while deciding the Application under Section 140 of the Motor Vehicle Act, it is not necessary to see who is at fault. From record it appears that, on 30th March 2019 vehicular accident took place in which Applicant has sustained injuries. Moreover, during the course of the accident vehicle was duly insured with insurer on that ground the Tribunal has passed the impugned order.

7. In my view, the Petitioner has taken the defence that the Insurance Policy produced on record is fake policy to prove it evidence is required if contentions of both parties are kept open it would suffice the purpose and I pass following order.

ORDER

(i) Petition is dismissed.

(ii) The contentions of both parties are kept open.

(iii) The Tribunal shall not be influenced by the observations made in this order while deciding main Application.

(iv) All pending Civil/Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)