

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SATISH
RAMCHANDRA
SANGAR

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Date: 2024.08.20
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INTERIM APPLICATION NO.6952 OF 2024
WITH
INTERIM APPLICATION NO.6953 OF 2024
IN
FIRST APPEAL (ST) NO.8126 OF 2024

Cholamandalam MS Insurance
Company Limited

...Appellant/Applicant

vs.

Narendra Vijayprakash Shukla and Ors.

...Respondents

WITH
INTERIM APPLICATION NO.10051 OF 2024
IN
FIRST APPEAL (ST) NO.8126 OF 2024

Narendra Vijayprakash Shukla

...Applicant

In the matter between:-

Cholamandalam MS Insurance
Company Limited

...Appellant/Applicant

vs.

Narendra Vijayprakash Shukla and Ors.

...Respondents

Mr.Rajesh Kanojia a/w Ms.Prachi Pawar i/b. Res Juris:-	Advocate for Appellant.
Mr.Yogesh Pande:-	Advocate for Respondents.

CORAM : S. M. MODAK, J.

DATE : 13th AUGUST 2024

P.C. :-

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

2. It is in respect of withdrawal of the amount. The contention of the Appellant – Insurance Company is about ‘*Fake Policy*’. The Representative has given evidence. However, the grievance is, the learned Member, Motor Accident Claims Tribunal¹ - Pune has not given a finding.

3. There were certain dates which are relevant. They are as follows:-

- (a) Date of Accident : 8th February 2016
- (b) Date of Premium Receipt : 6th February 2016
- (c) Date of issuance of Policy : 11th February 2016

4. There are three (3) Policies on record. They are as follows:-

- (i) Exhibit – 68 referred by the witness for Insurance Company² of the compilation filed by learned Advocate Shri.Pande today.
- (ii) Exhibit – 69 – is the Policy shown to the witness by the Claimants³.
- (iii) Policy at Article-A on Page No.17⁴. But, the period of

1 “MACT”

2 Page Nos.12 to 15

3 It is from the documents filed by the Insurance Company only (Page No.16)

4 The date of issuance of Policy is 11th February 2016

insurance starts from 6th February 2016.

5. Mr.Kanojia wants to rely upon the following judgments:-

- (i) *Oriental Insurance Co. Ltd. v/s. Dharam Chand & Ors.*⁵
- (ii) *Shriram General Insurance Co Ltd v/s. Kamlesh Jha & Ors.*⁶
- (iii) *Branch Manager, United India Insurance Company Limited v/s. Mst.Munita Bai and Ors.*⁷
- (iv) *Oriental Insurance Co. Ltd. v/s. Mst. Fazi & Ors.*⁸
- (v) *Anil Rishi v/s. Gurbaksh Singh*⁹
- (vi) *Deddappa & Ors. v/s. The Branch Manager, National Insurance Co. Ltd.*¹⁰
- (vii) *Bharti Axa General Insurance Company Limited v/s. Gayabai Devrao Weldode and Ors.*¹¹

6. Copy is given to Mr.Pandey.

7. Stand over to 3rd September 2024. To be listed “High on Board”.

[S. M. MODAK, J.]

5 Civil Appeal No.5204 of 2003 : August 27, 2010 : Supreme Court of India

6 2023 : DHC : 3467

7 2022 : CGHC : 18549

8 CMAM No.04/2008 : 15th July 2020 : High Court of Jammu and Kashmir at Srinagar

9 [2006] SUPP. 1 S.C.R.

10 [2007] 13 (Addl.) S.C.R.

11 First Appeal No.4447 of 2016 : 25th March 2019 : Bombay High Court (Bench at Aurangabad)