



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.169 OF 2022

Reliance General Insurance Company Ltd.

Vs.

Sunil s/o Panjabrao Chaudhari and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri H.N. Verma, Advocate for appellant.

CORAM : M.W. CHANDWANI, J.

DATE : 02.09.2024.

Heard.

2. By this appeal, award dated 13.08.2020 passed by the learned Member, Motor Accident Claims Tribunal, Amravati in Motor Accident Claim Petition No.1/2014, under Section 140 of the Motor Vehicles Act, 1988 (for short "M.V. Act"), has been challenged on the ground that a truck bearing registration no.MH27-A-4343, which was insured with the appellant, was standing on the extreme side of the road and a Jeep vehicle bearing registration No.MH27-C-5307 gave a dash from behind, wherein the husband of respondent no.1 died. The offence was registered against the driver of the said Jeep vehicle. The appellant was added later on in the claim petition, therefore, it is contended that the Tribunal ought not to have fasten the liability on the appellant.

3. Needless to mention that order under Section 140 of the M.V. Act is passed on the principle of No Fault Liability,

therefore, the fault cannot be seen at this stage. So far as the submission regarding apportionment of equal liability on the truck owner and the Jeep owner is concerned, the learned Tribunal has rightly considered that the award can be enforced against any of the vehicles and therefore, passed the order holding owners of the Jeep as well as the truck jointly and severally liable. The challenge to interest from the date of application till realization of the said amount is also made in this appeal on the ground that, the truck was added later on after a gap of considerable period. Let me state that interest awarded by the learned Tribunal is not in the form of penal interest but for withholding the amount. Therefore, the appeal is without substance and accordingly it is dismissed. No costs.

4. Needless to mention that, who is at fault can be gone into by the Tribunal on the merits of the claim petition. Since, nobody appears on behalf of the respondents, the amount deposited by the appellant be remitted to the Tribunal, who shall deal with the amount appropriately and may direct for undertaking to be executed by the claimant for withdrawal of the amount.

JUDGE

Wagh