2024:BHC-NAG:12430

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
FIRST APPEAL NO.702 OF 2024

Shriram General Insurance Co. Ltd. Vs. Ritesh s/o Ghanshyam Khodiyar & Anr.

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

Shri G.I. Dipwani, Advocate for appellant.

CORAM : M.W. CHANDWANI, J.
DATE : 11.11.2024.

Heard. Admit.

2. By this appeal, appellant is assailing the No Fault Liability passed under Section 140 of the Motor Vehicles Act on the ground that the insurance policy, which has been produced before the Tribunal, is a fake policy.

3. Let me state, No Fault Liability has been fixed on the basis of petition and affidavit filed by the claimants. Whether the insurance policy is fake or not cannot be decided unless the evidence is led to that effect. Rather, whether there is breach of insurance policy is the core question in the claim petition. The claim petition is yet to be heard on merit before the Tribunal. The contentions of the appellant can be gone into during hearing of the claim petition on the merit by the Tribunal. Therefore, no interference is required in the impugned order, at this stage. Hence, the appeal is dismissed. No costs.

4. Amount deposited by the appellant– Insurance Company be remitted to the Tribunal. Appellant to deposit remaining amount of No Fault Liability with the Tribunal.

5. The Tribunal may deal with the said amount deposited by the appellant in accordance with law.

JUDGE

Wagh