



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
FIRST APPEAL NO. 3594 OF 2019**

United India Insurance Company Ltd.,

Through its Authorized Signatory / Divisional Manager,
Divisional Office No.I, H. No.4/5/76, V. P. Chowk,
Osmanpura, Aurangabad
Tq. & Dist. Aurangabad - 431 001

....Appellant
[Original Respondent No.4]

VERSUS

1. Balbhim S/o Nivrutti Rasane
Age: 51 Years, Occupation : Nil
2. Sindhubai W/o Balbhim Rasane
Age : 49 Years, Occu. Nil
3. Shrikrushna Balbhim Rasane
Age : 22 Years, Occu. Education

All R/o. Ghotan, Tq. Shevgaon,
Dist. Ahmednagar
4. Rameshwar Dadasaheb Shelke
Age : 35 Years, Occu. Driver
R/o. Kare Takali, Tq. Shevgaon,
Dist. Ahmednagar
5. Dvarka Kakasaheb Mogal
Age : Major, Occu. Owner,
R/o. Nilajgaon, Tq. Paithan,
Dist. Aurangabad

6. Kakasaheb Janardhan Mogal [Dead]

.....Respondents
[Resp. Nos.1 to 3 - Orig. Claimants &
[Resp. No.4 to 6-Orig. Resp. No.1 to 3]

.....

Appearance :

Mr. S. R. Bodade, Advocate for the Appellant - Insurance Company
Mr. R. B. Dhakane, Advocate for Respondent Nos.1 to 3
Mr. M. B. Ubale, Advocate for Respondent Nos.4 and 5

.....

AND
FIRST APPEAL NO.884 OF 2023

1. Shri. Balbhim Nivrutti Rasane
Age - 53 years, Occu. Nil,
R/o Ghotan, Tq. Shevgaon,
Dist. Ahmednagar
[As per Hon'ble Courts order dated 30.1.2023,
the name is deleted on 7.2.2023 at 2:45 pm]
2. Sou. Sindhubai Balbhim Rasane
Age - 48, occup - Nil ,
R/o Ghotan, Taq - Shevgaon,
Dist - Ahmednagar.
3. Shrikrishna Balbhim Rasane
Age - 21 years, occup - Education,
R/o Ghotan, Taq - Shevgaon,
Dist - Ahmednagar.

.... Appellants
[Orig. Claimants]

VERSUS

1. United India Insurance Company Ltd.
Through its Manager,
Osmanpura, Aurangabad
2. Rameshwar Dadasaheb Shelke
Age - 34 years, Occup - Driver,
R/o Karhe Takali, Taq Shevgaon,
Dist - Ahmednagar
3. Smt. Dwarka Kakasaheb Mogal
Age - Major, Occup - Owner,
R/o Nilajgaon, Taq - Paithan,
Dist. - Aurangabad
4. Shri. Kakasaheb Janardhan Mogal [died]
[Through Legal heir, i.e. respon. No.3] Respondents
[Orig. Respondents]

.....

Appearance : -

Mr. R. B. Dhakane, Advocate for the Appellants
Mr. S. R. Bodade, Advocate for Respondent No.1
Mr. M. B. Ubale, Advocate for Respondent Nos.2 and 3

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CORAM : NEERAJ P. DHOTE, J.
RESERVED ON : 02/04/2025
PRONOUNCED ON : 21/04/2025

COMMON JUDGMENT :-

1. Both the Appeals are filed under Section 173 of the Motor Vehicles Act, 1988 [hereinafter referred to as the 'M.V. Act']. The First Appeal No.3594/2019 is filed by the Insurance Company against the Judgment and Order / Award dated 20/03/2019, passed by the learned Motor Accident Claim Tribunal, Aurangabad, [hereinafter referred to as the 'learned Tribunal'] in Motor Accident Claim Petition [For short 'MACP'] No.406/2018, partly allowing the MACP and directing the Insurance Company, Owner and Driver to pay the compensation of Rs.8,86,800/- [Rupees Eight Lakhs Eighty Six Thousand and Eight Hundred Only], jointly and severally to the Claimants with interest @ 9% from the date of filing of the Claim Petition till its realization. The First Appeal No.884/2023 is filed by the Claimants for enhance compensation. Common submissions are advanced by both the sides. Hence, both the Appeals are decided by this Common Judgment. The parties are referred as per their nomenclature / position in the MACP.

2. The facts giving rise to the present Appeals are as under :-

[I] The Claimants filed the above referred MACP before the learned Tribunal with the contention that, they were the father,

mother and brother, respectively of Govind Balbhim Rasane [hereinafter referred to as the 'Deceased']. They were resident of Village Ghotan, Taluka Shevgaon, District Ahmednagar. The Deceased was working as JCB Operator on the JCB Machine of one Tukaram Namdeo Thorve and getting monthly salary of Rs.10,000/- per month. On 12/05/2018, when the Deceased and his friend were returning to the Village on a motorcycle from Paithan to Shevgaon road in moderate speed from the correct side of the road and reached near Open Prison, Paithan around 04:30 p.m., a Tractor bearing No. MH-20-CR-4863, which was coming from the opposite direction in a high speed and in rash and negligent manner, gave dash to the motorcycle, on which, the Deceased and his friend were travelling. Due to the said motor vehicular Accident, the Deceased and his friend succumbed to the injuries. The Accident was reported to the Paithan Police Station and Crime No.165/2018 came to be registered for the offence punishable under Sections 279, 304-A of the Indian Penal Code, 1860[hereinafter referred to as 'I.P.C'] and Section 134 /177 of the M.V. Act against the Driver of said Tractor.

[II] The Claimants being the Dependents/Legal Representatives of the Deceased claimed the compensation of Rs.23,30,000/- [Rupees Twenty Three Lakhs Thirty Thousand Only] against the Insurance Company, the Owner and the Driver of the said Tractor. The MACP was resisted / contested by the Insurance Company by filing Written Statement at Exhibit-17 and by the Owner and Driver of the said Tractor by filing joint Written Statement at Exhibit-24. They denied the case of Claimants put-forth before the learned Tribunal. They denied the involvement of the said Tractor in the Accident on the ground that, the Crime was registered against the unknown vehicle. They denied the rash and

negligent driving of the said Tractor. They denied the income of Deceased and prayed to dismiss the MACP.

[III] The learned Tribunal framed the issues at Exhibit-15. In support of the MACP, the Brother of Deceased examined himself by filing Evidence Affidavit at Exhibit - 20. He was cross-examined by the learned Advocate for the Insurance Company and the learned Advocate for the Owner and Driver of the said Tractor. The Claimants brought on record the Police Papers, the copies of Registration Certificate and Insurance Certificate of the Tractor and the copy of Driving Licence of the Tractor Driver. The Claimants examined the JCB Owner as Witness No.2 at Exhibit - 40 to show the monthly income of the Deceased, who was cross-examined by the learned Advocate for the Insurance Company. The learned Tribunal decided the MACP by the impugned Judgment and Award.

3. Heard the learned Advocate for the Insurance Company, the learned Advocate for the Claimants and the learned Advocate for the Owner and Driver of the said Tractor. Perused the evidence available on record.

4. It is submitted by the learned Advocate for the Insurance Company that, the Brother of Deceased was not the eyewitness to the Accident and the Claimants did not examine the eyewitness to the Accident. The involvement of the said Tractor, which was insured with the Insurance Company, was in dispute. The Report was lodged against the unknown vehicle. It was a hit and run case.

Though the Claimants examined the witness to show the monthly income of the Deceased, there was no documentary evidence, such as Vouchers, Account Books and Appointment Order, to prove that, the Deceased was the JCB Operator and earning Rs.10,000/- per month. There was no Driving Licence of the Deceased. In such circumstances, the Notional Income of Rs.3,000/- per month should have been considered. The witnesses, whose statements were recorded by the Police, were the interested witnesses. The interest awarded by the learned Tribunal was on higher side. The defence of the Insurance Company was curtailed by not allowing the examination of the Investigating Officer. Hence, the Appeal filed by the Insurance Company be allowed and the Appeal filed by the Claimants be dismissed. In support of his submissions, he relied on the Judgments, which are considered in the later part of this Judgment.

5. It is submitted by the learned Advocate for the Claimants that, the Insurance Company failed to prove that, the Accident was the result of contributory negligence. Only averments are not sufficient and no evidence was led by the Insurance Company. The Claimants have established their case by examining the witness. The Accident was between [2] two vehicles and the Deceased was a third party and so, non wearing of helmet and no Licence with the Deceased cannot be the issues. The employer of Deceased was

examined to prove the income. The Consortium is not granted to the Claimants. The learned Tribunal ought to have accepted the monthly income of the Deceased @ Rs.10,000/- per month. The deduction granted by the learned Tribunal be recalculated as $1/3^{\text{rd}}$, as the Claimants are three [3] in number. The Appeal filed by the Claimants for enhancement of compensation be allowed and the Appeal filed by the Insurance Company be dismissed. In support of his contentions, he relied on the Judgments and Notification in respect of rates of wages payable certain categories of employees, which are considered in the later part of this Judgment.

6. It is submitted by the learned Advocate for the Owner and Driver of the said Tractor that, the said Tractor was validly insured with the Insurance Company and the same is clear from the observations made in the impugned Judgment and Award.

7. Before advertng to the facts, circumstances and the evidence in the case at hand, the Judgments cited by both the sides are considered.

[I] Judgments cited by the learned Advocate for the Insurance Company

[a] **SIBY Paul Vs. Praveen Kumar ; LAWS [KER] - 2008-9-56 dated September 03, 2008**, wherein, the provision of Section 129 of the M.V. Act regarding wearing of protective head gear by those

riding two wheeler is considered. It is observed that, it was for the learned Tribunal to consider whether in a case of Claim of compensation for death or injury of Drivers or Pillion Riders of two wheelers they were wearing helmet at the time of Accident and if not whether wearing of helmet would have prevented the death or injury or reduced the impact of the injury and if the same should be reckoned as an aspect of contributory negligence for reducing the compensation amount. Any claim made by Riders about wearing of helmet at the time of Accident should be critically examined and if found bogus, the same should be rejected. It is further observed that, in fact the want of helmet for the Rider may not be contributory to the Accident. However, the use of helmet would prevent Head Injury or at least reduce the impact of the injury in the event of Accident for the Driver and Pillion Rider of the bike or two wheeler.

[b] **Meera Sidharth Kambli Vs. Viraj Ekawade ; LAWS [BOM]-2015-4-59 dated April 18, 2015**, wherein, the negligence of Driver of the vehicle involved in the Accident was not proved and, the decision of the learned Tribunal holding that, the Claimant was not entitled to receive any compensation, was upheld.

[c] **Pukh Raj Bumb Vs. Jagannath Atchut Naik ; LAWS [BOM]-2013-7-46**, wherein, the Claimant had miserably failed to prove that, the Accident occurred due to rash and negligent driving of the

car involved in the Accident and it was held that, the Claimant was not entitled to receive any compensation on the ground of injuries resulting in permanent disability. It is also observed that, strict proof of the Accident was not required to be given by the Claimant and the Claimant can prove the case by preponderance of probability.

[d] **New India Assurance Company Ltd. Vs. Ashalata Suryakant Patil and Others, in First Appeal No.2829/2015 [Unreported]**, wherein, the principles applicable to the cases for compensation under the M.V. Act came to be reiterated as ; [i] Only on account of technicalities the Claim Petition cannot be defeated. [ii] Strict proof of the Accident by particular vehicle in a particular manner is not required. [iii] Standard of proof beyond reasonable doubt cannot be applied. [iv] Evidence is to be appreciated by applying the principle of preponderance of probability. [v] Absence of name of Driver and number of motor vehicle involved in the Accident, is not fatal in every case. [vi] Statement of witness recorded under Section 161 of the Code of Criminal Procedure could not be read, and therefore, no relevance or reference can be attributed to it to accelerate the claim canvassed. On the facts of the case, it was held that, the involvement of offending vehicle in the Accident was not established.

[e] **Shabbeer Khan Vs. Gaurav Sharma and Another; 2015 [4] T.A.C. 439 [Raj.]**, wherein, by considering the delay in lodging the FIR, it was found that, the explanation for delay given by the Claimant was not acceptable, admission of offence by the Owner of car was not held to be of any assistance to the Claimant and it was held that, the finding of Criminal Court was not binding upon the learned Tribunal and the Claimant therein failed to prove that the Accident occurred with a particular offending vehicle.

[f] **Bajaj Allianz General Insurance Co. Ltd., Aurangabad Vs. Meera W/o Raju Choudhary and Others ; 2014 [6] Mh.L.J.**, wherein, the Appeal filed by the Insurance Company was allowed, as the Claimants therein failed to establish the involvement of the vehicle insured with the Appellant, in the Accident.

[g] **Faridabegum S/o Shaikh Yousuf Vs. Daulat Khan S/o Sardar Kjan [died] through L.Rs. ; 2014 [6] Mh.L.J.**, wherein, it was observed that, the involvement of the Truck in the Accident was not proved.

[h] **Anil and Others Vs. New India Assurance Company Ltd and others; 2018 [5] Mh.L.J**, wherein, it is observed that, the learned Tribunal failed to notice crucial aspects of the case which had bearing on the question as to whether the death of Deceased therein was caused as a result of the Accident caused by the

Tractor. Each of the circumstances relied upon by the High Court were germane to the ultimate conclusion that a false case was set up to support a Claim for compensation and the Appellants were not able to displace the careful analysis of the evidence by the High Court and the findings, which were arrived at.

[i] **Noorjadi Khatoon and Another Vs. Pintu Yadav and Others ; 2015 [3] T.A.C 496 [Del.]**, wherein, it was held that, the amount paid by the employer under any group personal Accident policy towards Accidental death was liable to be deducted from the amount of compensation.

[j] **Oriental Insurance Co. Ltd. Vs. Meena Variyal and Others, in Civil Appeal No.5825/2006 decided on 02/04/2007**, wherein, the Regional Manager of the Company, which was the Owner of vehicle, was himself driving the vehicle of the Company and during the course of it, he died in an Accident and the point for consideration was whether the Accident took place due to his negligence or otherwise. It is observed that, although being the beneficent peace of legislature, the learned Tribunal may follow summary procedure, but should not ignore basic principles of law. In the said case, the Claimants failed to implead the Driver of vehicle and failed to file documentary evidence regarding pay of Deceased. The Appeal was allowed and the Appellant was exonerated from the liability to pay the compensation.

[II] Judgments cited by the learned Advocate for the Claimants

[a] **Sunita and Others Vs. Rajasthan State Road Transport Corporation and Anr. ; AIR 2019 Supreme Court 994**, wherein, it is observed that, while dealing with the Claim Petition under the M.V. Act, the learned Tribunal would not be strictly bound by the pleadings of the parties. The standard of proof to be borne in mind must be of preponderance of probability and not the strict standard of proof beyond all reasonable doubts, which is followed in criminal cases.

[b] **Sh. Fakir Chand Taneja Vs. Oriental Insurance Co. Limited ; LAWS [SC]-2022-9-221**, wherein, the salary of Deceased was considered by the learned Tribunal without deduction of income tax. In the said case, the learned Tribunal had taken into consideration only the basic salary and ignored all the Allowances, such as, Conveyance Allowance, House Rent Allowance, etc. It was observed that, the deductions made by the learned Tribunal were not at all justified except the deduction of driver assistance. The monthly income of the Deceased therein was considered after deducting the income tax and the amount payable as driver assistance.

[c] **Geeta Dubey Vs. United India Insurance Company Limited ; AIR 2025 Supreme Court 386**, wherein, it is observed that, when the Accident or involvement of vehicle is disputed, the Claimant is

only expected to prove the same on preponderance of probability and not beyond reasonable doubt.

[d] **Mahalakshmi Vs. Krishnaraj ; LAWS [MAD]-2024-4-161**, wherein, the matter was under the Employee's Compensation Act, 1923 in respect of Accidental death of the employee during the course of employment and wherein, it was observed that, in the absence of proof of actual monthly wages, the Labour Commissioner had no other alternative than adopting the monthly wages notified by the Central Government as per Section 4-1 [B] of the said Act of 1923 and the question of law was answered that, the adoption of minimum wages prescribed by the State Government could not be taken into account for awarding compensation under the Act of 1923 and the monthly wages notified by the Central Government as per Section 4-1 [B] shall be adopted for awarding compensation.

[e] **Syed Sadiq etc. Vs. Divisional Manager, United India Insurance Company ; AIR 2014 SC 1052**, wherein, there was no written record of the income of the Claimant and therefore, the income as per Revised Minimum Wages Rule, 2012 - 2013, @ Rs.4,246/- per month was considered.

[f] The Notification dated 19/01/2017, wherein, the minimum rates of wages payable to the categories mentioned in the Schedule annexed there to, were revised.

8. Coming to the case on hand, one of the issues framed by the learned Tribunal was in respect of rash and negligent driving of the vehicle bearing No. MH-20-CR-4863 i.e. the Tractor and death of the Deceased due to the said Accident. As regards the contention of the learned Advocate for the Insurance Company that, their Application for examining the Investigating Officer was opposed by the Claimants, admittedly, there was no challenge to the order passed by the learned Tribunal rejecting the Application at Exhibit - 44 filed by the Insurance Company to summon the Investigating Officer in the aforesaid Crime as the Witness. Admittedly, no eyewitness to the Accident was examined by the Claimants. The Claimant No.3, who examined himself before the learned Tribunal, candidly admitted that, he did not witness the Accident. It has come in the cross-examination of Claimant No.3 that, at the time of Accident, the motorcycle was being driven by his friend, namely, Namdeo Jalindar Ghuge [Deceased]. The record shows that, the Claimants moved the Application below Exhibit - 39 for issuance of summons to the eyewitnesses of the Accident and the Owner of JCB Machine and the learned Tribunal by order dated 24/01/2019 issued Summons only to the JCB Machine Owner. From this, it is clear that, the Claimants wanted to and intended to examine the eyewitnesses to the Accident. Eventually, The Claimants relied on the Police Papers to prove the factum of motor vehicular Accident

and death of Govind Balbhim Rasane [Deceased] in the said Accident.

9. The Police Papers shows that, Crime No.165/2018 was registered against the unknown Driver for the offence punishable under Sections 304-A, 279 of I.P.C and Section 134/177 of the M.V. Act. The said Crime was registered on 12/05/2018 i.e. on the date of Accident. The Crime Details Form speaks of the Accident to the said motorcycle, upon which, the Deceased and his friend were travelling. The Postmortem Report shows the name of the Deceased. The statement of the witness recorded during the investigation, though after three [3] days of the Accident, speaks of the Accident due to the use of the said Tractor and the name of Tractor Owner, on inquiry with the people gathered at the spot of Accident. The Police Papers comprised of the Final Report under Section 173 of the Code of Criminal Procedure, 1973 [hereinafter referred to as 'Cr.P.C], which indicate that, the investigation of the said Crime culminated in filing of Charge-sheet against the Driver of the said Tractor. It is needless to state that, the Charge-sheet was for the offence of rash and negligent Act by the said Tractor Driver. Thus, the said delay of three [3] days, will not be of much consequence in the MACP. It is settled position under the law that, the Police Papers can be looked into by the learned Tribunal / Court to determine the issue of negligence in the MACP. Useful reference

can be made in that regard to the Judgment of the Hon'ble Supreme Court of India in **ICICI Lombard General Insurance Co. Ltd Vs. Rajani Sahoo & Ors. in Civil Appeal No. __ of 2025** [**@ SLP (C) No.29302 of 2019**] [**Non-Reportable**] dated **January 02, 2025**. Therefore, in the light of the Police Papers available on record, non examination of the witness to prove the factum of rash and negligent driving of the Tractor by its Driver will not be fatal for the Claimants.

10. As regards the employment and income of the Deceased is concerned, though according to the Claimants, the Deceased was earning by way of driving JCB Machine, no Driving Licence showing that, Deceased was having a valid Driving Licence to drive the JCB Machine was brought on record by the Claimants. The suggestion is given in the cross-examination of Claimant No.3 that, the Deceased was not holding the Licence to operate the JCB Machine. Though it has come in his cross-examination that, he can file the said documents on record, there is no document or Licence in the name of Deceased showing that, he was having the Licence to drive the JCB Machine.

11. To prove the monthly income of the Deceased, the Claimants examined Tukaram Namdeo Thorve as Witness No.2 below Exhibit - 40. He was the resident of village where the Claimants and

Deceased were resided. Though he deposed that, the Deceased was working as Driver on the JCB Machine owned by him and he used to pay Rs.10,000/- per month as Salary, there is no single document in support of his said evidence. In his cross-examination, it has come that, he was maintaining the account in respect of expenditure and income from the two [2] JCB Machines. His evidence shows that, his income was not taxable. He had taken loan to purchase two [2] JCB Machines and was paying EMI of Rs.46,000/- for one [1] JCB Machine. He was earning net income of Rs.5,000/- to Rs.6,000/- per month excluding all the expenses. No receipts or vouchers were brought in evidence to support the case that, the Deceased was driving the JCB Machine and earning Rs.10,000/- per month. Bare contention of the Claimants in absence of Driving Licence and documents of payment to the Deceased will not be sufficient to accept the contention that, the Deceased was earning by driving the JCB Machine.

12. In absence of iota of evidence to show the monthly income of Deceased, no fault can be found for consideration of monthly income of the Deceased by the learned Tribunal @ Rs.6,000/- per month, as the Notional Income. The learned Tribunal has considered the said Notional Income in the light of the observations in *Papita W/o Parmeshwar Maske and Another Vs. Maharashtra State Road Transport ; 2018 [4] Mh.L.J 865*. Even if per day

income of Rs.200/- in the village in the year – 2018 is considered, monthly income of Rs.6,000/- as the Notional Income is proper. The reliance placed by the learned Advocate for the Claimants on the above referred Notification issued by the Central Government will not be of any assistance in the facts and circumstances of this case. The said Notification was in respect of wages payable to the employees engaged in a particular employment. The decisions relied by the learned Advocate for the Claimants, wherein, the aspects of minimum wages were considered, were based on the facts and circumstances of those cases. Hence, no interference is call for in determination the Notional Income @ Rs.6,000/- per month of the Deceased.

13. It has come in the cross-examination of Claimant No.3 that, the Deceased was a Bachelor. Therefore, the deduction of $\frac{1}{2}$ towards Personal and Living Expenses, 40% addition to the total income per year of the Deceased, Multiplier of 17, as the age of Deceased was between 26 to 30 years, the amount towards Funeral Expenses and Loss of Estate considered and computed by the learned Tribunal, do not call for any interference, as the same are in accordance with the Judgments in **National Insurance Company Limited Vs. Pranay Sethi and Ors. [2017] 16 SCC 680.**

14. As regards the contention of the learned Advocate for the Claimants in respect of consortium is concerned, it needs to be considered and added in the amount of compensation @ Rs.40,000/- towards Filial Consortium to the Claimants being father, mother and brother of the Deceased in light of the Judgment in **Magma General Insurance Co. Ltd. Vs. Nanu Ram and Ors. ; 2019 [4] Mh.LJ 1**. As far as grant of interest is concerned, the learned Tribunal awarded the same by relying on the Judgment in *Neeta Vs. The Div. Manager, MSRTC in Civil Appeal Nos. 348-349 of 2015 [Arising out of SLP (C) Nos.4897-4898 of 2014] dated 13/01/2015*. The said Judgment is based on the Judgment in *Municipal Corporation of Delhi, Delhi Vs. Uphaar Tragedy Victims Association and Ors.; MANU/SC/1255/2011*.

15. In view of the above discussion, the compensation awarded by the learned Tribunal needs to be re-calculated and modified as follows :-

Nos.	Particulars		Amount
A	Total income per year	6,000 x 12	72,000/-
B	40% to be added in total income per year	72,000 + 28,800	1,00,800/-
C	½ deductions towards personal and living expenses	1,00,800 ÷ 2	50,400/-
D	Pecuniary loss after applying multiplier of 17 as the deceased was just 30 years old	50,400 x 17	8,56,800/-
E	Add : Funeral Expenses		15,000/-
F	Add : Loss of Estate		15,000/-
G	Add : Filial Consortium	40,000 x 3	1,20,000/-
H	Total Compensation payable to Claimants		10,06,800/-

16. In light of the above, the Appeal filed by the Insurance Company is dismissed and the Appeal filed by the Claimants is partly allowed. The impugned Judgment and Order / Award stands modified to the extent as shown in the above Chart. The apportionment of the total compensation will be as follows :-

1.	Father	:-	Rs. 2,00,000/-
2.	Mother	:-	Rs. 7,06,800/-
3.	Brother	:-	Rs. 1,00,000/-

16.1 The Operative Order in respect of investing the amount of compensation from the Share of the Claimants is maintained.

17. The Appeals stand disposed off accordingly.

[NEERAJ P. DHOTE, J.]

LATER ON :-

18. After the pronouncement of Judgment, the learned Advocate for the Insurance Company seeks stay to the effect and implementation of the Order, by which the Appeals of the Claimants are partly allowed. He submits that, the Insurance Company intends to challenge the same.

19. The learned Advocate for the Claimants opposes the said prayer.

20. As the Appeals arise out of the Motor Accident Claim,
prayer of the Insurance Company is rejected.

[NEERAJ P. DHOTE, J.]

Sameer/April-2025