IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 163 of 2025
and
FIRST APPEAL ST.NO. 20505 of 2023

Reliance General Insurance Co.Ltd. … Applicant/s
Appellant/s

versus

Kumar Rohan Bhimrao Patil and ors. …. Respondent/s

Mrs. Shalini Shankar, Advocate for the Appellant.
Mr. D. S. Joshi along with Advocate Jonty S. Adhainge i/b. Ms. Swati U. Mehta, Advocate for Respondent No.1/Original Claimant (through VC).

CORAM : R. M. JOSHI, J.

DATE : 5th DECEMBER, 2025.

P.C. :

1. These appeals takes exception to the impugned judgment and award dated 20th March 2023 passed in MACP Nos.274 and 275 of 2018 respectively essentially on the ground that the insurance policy sought to be relied upon by the claimant is fake policy. Since learned Tribunal has rejected the said contention of the insurer, the present appeals.

2. Learned counsel for the appellant submits that in the written statements specific plea was raised with regard to the policy being fake/bogus and evidence was led before the Tribunal in order to substantiate the said contention. It is her submission that the witness examined by the insurer indicates that police complaints were made

against the owner, so also the investigation was carried out with regard to the bogus policy. Thus it is her contention that the Tribunal ought to have accepted the said evidence and should have exonerated the insurer from the liability of payment of compensation.

3. Learned counsel for the respondent No.1/original claimant submits that the cross-examination of the witness of the insurer more than sufficiently indicates that the insurer has failed to prove its contention. It is further argued that the insurance policy has been received by the claimant from the police and, as such, the entire burden would be upon the insurer to prove that it is bogus/fake policy. It is submitted that best evidence in the form of insurance premium register and the policy issued in the same number are not produced before the Tribunal. He also seeks enhancement of the compensation granted by the Tribunal on the ground that the oral evidence of the claimant is sufficient to grant enhancement.

4. Insofar as plea sought to be raised by the appellant about fake/bogus policy is concerned, though the insurer has examined Vivek Karne before the Tribunal, in cross-examination, he admits that though investigation has been done by the investigator, the report of the investigator has not been placed on record. Moreover, the insurer has not filed on record, the premium register, which could be the best evidence with the insurer to indicate that no policy was issued to the owner. In spite of the said document being available with the insurer, since the same has not been placed on record, adverse inference needs to be drawn against

the insurer that since the said document was indicating the issuance of the policy on receipt of the premium from the owner, the said document was suppressed from the Court.

5. Insofar as the enhancement sought by the claimant, it was possible for the claimant to place on record evidence to support the claim for enhancement. No such evidence seems to have been placed before the Tribunal. The Tribunal has granted compensation on the basis of the proved claim. This Court finds no perversity therein. Hence, no enhancement. The appeals stand dismissed.

5. Interim/Civil Applications, if any, will not survive and stand disposed of.

(R. M. JOSHI, J.)