

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 605 of 2024**

Shriram General Insurance Co. Ltd. ... Appellant/s

versus

Priya Santosh Gurav and ors. Respondent/s

Mr. Pandit Kasar, Advocate for the Appellant.

Mr. Yogendra Pendse, Advocate for Respondents.

CORAM : R. M. JOSHI, J.

DATE : 5th DECEMBER, 2025.

P.C. :

1. Heard finally at the stage of admission by consent of both sides.
2. This appeal takes exception to the judgment and award dated 18th March 2023 passed in MACP No.53 of 2018, whereby the learned Tribunal has directed the opponents to jointly and severally pay compensation of Rs.41,16,600/- to the claimants along with interest @ 7.0% per annum.
3. The present appeal is filed on two counts i.e. the Tribunal has failed to take into consideration the terms of the policy which limits liability of the Insurance Company to the extent of Rs.2,00,000/- towards own damage. It is further argued that the Tribunal has also granted compensation which is on higher side.

4. Learned counsel for the respondents/original claimants supported the claim.

5. Perusal of the written statement does not indicate that a case was sought to be pleaded before the Tribunal that the liability of the insurer is to the extent of Rs.2,00,000/-. Here in this case, in the written statement, the insurance is admitted. Thus, the question arises whether now it would be open for the appellant/insurer to raise the said plea. Needless to say that what has been sought to be argued is not a pure question of law in order to allow the same to be raised at this stage. In absence of any pleading, any amount of evidence will have to be ignored. Consequently, this Court finds no substance in the said challenge.

6 Insofar as the quantum is concerned, learned Tribunal has rightly taken into consideration the evidence of the claimants with regard to the employment and income of the deceased.

7. Having regard to the evidence on record, the findings recorded by the Tribunal are not perverse to cause any interference in the impugned judgment and order. The appeal stands dismissed.

8. Interim/Civil Application, pending if any, also stands disposed of.

(R. M. JOSHI, J.)