



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

FIRST APPEAL NO.348 OF 2020

[Bharti Axa General Insurance Company Limited .vs. Kalpana wd/o Sukhlal Meshram 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 Ranjeet D. Bhuihar, Advocate for Appellant.
Smt. Kirti Satpute, Advocate for Respondent Nos.2 and 3.
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CORAM : PRAVIN S. PATIL, J.
DATED : SEPTEMBER 16, 2025.

1. By this appeal, the appellant-company is challenging the judgment and order dated 18.8.2018 passed by the learned Motor Accident Claims Tribunal, Warora in M.A.C.P. No.36/2013.

2. Admittedly, the application for compensation was filed by the claimant under Section 163-A of the Motor Vehicles Act, 1988 due to accidental death of son of respondent nos.2 and 3.

3. It is pointed out from the record that the present respondent no.1 has performed re-marriage after the death of deceased and, therefore, she has not contested the matter before the Tribunal. So also, it is pointed out that the learned Tribunal has awarded Rs.1,93,500/- to the respondent nos.2 and 3 in the capacity of parents of the deceased.

4. Today, at the time of hearing, the counsel for the respondents placed on record the pursis informing thereby that respondent no.3 is expired during the pendency of the present appeal on 26.9.2024. At present the only legal heir of the deceased is respondent no.2. Therefore, there is no need to brought any legal heirs on record.

5. In the background of above said factual position, I have perused the record and the impugned judgment.

6. The ground of challenge to the present appeal is that the deceased was not holding the valid and effective driving licence and accident in question had occurred on the count of sole negligence of the deceased. Therefore, the company is not liable to pay the compensation to the claimant. However, from the record it is crystal clear that deceased was holding the driving licence and same was the part of record i.e. Exh.57 to 64. This fact is not controverted by the appellant in the matter.

7. It is admitted fact that the application for compensation was filed under Section 163-A of the Motor Vehicles Act, therefore, issue of negligence cannot be looked into in the matter.

8. Hence, I find no merit in the appeal. On the other hand, perusal of judgment of learned Tribunal, it is clear that Tribunal has considered every aspect properly and recorded the cogent reasons to reach to the conclusion. Hence, the present appeal is devoid of merits and accordingly same is dismissed.

9. The appellant has already deposited the amount of Rs.2,09,643/- before this court as per the order passed by this Court. The present respondent no.2 is entitled to withdraw the said amount along with interest accrued thereon, subject to satisfaction of the Registrar (Judicial) of this Court.

10. No order as to cost.

(PRAVIN S. PATIL, J.)