



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

FIRST APPEAL NO.1052 OF 2010

Regional Manager, United India Insurance Co. Ltd.,
Regional Office, Legal Cell,
Shankar Nagar Square, Nagpur.

...APPELLANT

(Orig. Respt. No.4)

...V E R S U S...

1. Smt. Mainabai Wd/o Deorao Juwar
Aged about 60 years, Occ: Household

2. Mr. Gangadhar S/o Deorao Juwar
Aged about 40 years, Occ: Labour
Both R/o Navegaon (Pale),
Tah. Paoni, Dist. Bhandara.

...(Orig. Claimants)

3. Sharad Balkrishna Kaware,
Aged major, Occ: Business,
R/o Juni Mangalwari Ward No.26,
Nagpur.

4. Vikas Anandrao Satibawane
Aged major, Occ: Cultivation
R/o Kodurli, Tah. Paoni,
Dist. Bhandara.

5. Avinash Murari Satoibawane
Aged 29 years, Occ: Cultivation,
R/o Kodurli, Tah. Paoni, Dist. Bhandara

...RESPONDENTS

...All on R.A.

Shri C.A. Anthony, Advocate for Appellant.

CORAM:- M.W. CHANDWANI, J.

DATE :- 07.03.2025.

ORAL JUDGMENT:

1. Civil Application (CAF) No.583/2025 for early
hearing is granted and the appeal is taken up for final hearing.

The civil application stands disposed of.

2. This appeal challenges the order passed by the Motor Accident Claims Tribunal, Bhandara (hereinafter referred to as “Tribunal” for short) in M.A.C.P. No.22/2009, whereby a liability of Rs.50,000/- has been fastened on the appellant-insurer on the basis of No Fault Liability.

3. The contention is that, on the date of the accident the policy was not in existence. According to the learned counsel for the appellant, the vehicle was insured from 13.09.1993 till expiry of certificate of registration of the offending vehicle. He has drawn my attention to the copy of the policy as well as the certificate of registration. The policy speaks about its validity from 13.09.1993 till cancellation of the registration of vehicle. The certificate of registration shows the issuance of certificate of registration on 17.01.1991. Taking help of this date, the learned counsel for the appellant submitted that as per law, a vehicle initially is required to be registered for 15 years and by calculation, 15 years lapse on 16.01.2006; whereas, the accident occurred on 18.04.2008 i.e. after expiry of 15 years from the date of registration. On the date of expiry, the policy was not valid and therefore, the Tribunal erred in fastening the liability even in case of No Fault.

4. Be that as it may, the fact remains that the policy speaks about cancellation of registration certificate. No doubt as per law, the initial period of certificate of registration is valid for 15 years but extension of that certificate is not barred under law. Whether after expiry, the certificate of registration was renewed or not is a matter of evidence. At this stage, the finding of the learned Tribunal cannot be faulted with and therefore, the appeal is devoid of merits and hence, it is **dismissed**.

5. It appears that unfortunately this appeal remained to be decided for 15 years and the most unfortunate part is that the trial of the claim petition was stayed by this Court. What can be done best now is to direct the Tribunal to dispose of the claim petition as early as possible preferably within a period of one year. The amount deposited by the appellant in this Court be remitted back to the Tribunal, who shall then deal with the same appropriately.

6. Pending application(s), if any, stand(s) disposed of.

JUDGE

Wagh