Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.86 OF 2024
WITH
INTERIM APPLICATION NO.18305 OF 2023
IN
FIRST APPEAL NO.86 OF 2024

Divisional Manager, Shriram General Insurance Company Limited, Nashik	…Appellant/ Applicant
Versus	
Smt. Rekha Dagadu Sonawne and anr.	…Respondents

Mr. Aniesh S. Jadhav, with Mr. S. Singh for the Appellant/ Applicant.
Mr. Rajan S. Pawar, for the Respondent No.1.

CORAM: R. M. JOSHI, J.

DATED: 6th FEBRUARY, 2026.

PC:-

1. By consent of both sides, heard finally.

2. The Respondents are duly served with the notice. Respondent No.2 is absent, hence, proceed ex-parte against Respondent No.2.

3. Heard learned Counsel for the Appellant and Respondent No.1/Original Claimant.

PRIYA RAJESH SOPARKAR
Digitally signed by PRIYA RAJESH SOPARKAR Date: 2026.02.10 10:38:06 +0530

4. This Appeal is filed under Section 173 of the Motor Vehicles Act 1988 against the Judgment and Award dated 8th March, 2023 passed in MACP No.1048 of 2017, whereby the Tribunal granted compensation of Rs.1,69,929/- along with interest at the rate of 6% per annum from the date of registration of the Claim Petition till realization of the amount.

5. The learned counsel for the Appellant submits that the Insurer had raised the issue with regard to the non-coverage of the offending vehicle by the valid Insurance Policy during the relevant time by filing Written Statement and other contentions of the Claimant were also denied by the Insurer. It is his submission that the Tribunal has failed to take into consideration the evidence on record which, according to him, indicates that the Insurance Policy was issued on 18th June, 2016.

6. Learned Counsel for the Respondent No.1/Original Claimant supported the impugned Judgment and Award.

7. The defence of non-coverage of the offending vehicle in the accident is concerned, though a plea is raised by the Insurer to that effect, there is no evidence to substantiate the same. On the other hand, the material evidence brought on record indicates that the policy was issued on 18th June, 2016. The accident has admittedly occurred on 10th June, 2017. The evidence on record unerringly shows that the offending vehicle was duly ensured with the Appellant on the date of accident. Moreover, there is no error committed by the Tribunal in granting compensation.

8. In such circumstances, this Court finds no substance in the challenge to the impugned Judgment and Award.

9. In view of the above, I pass the following order:

ORDER

(a) The Appeal is dismissed.

(b) The Claimants are permitted to withdraw the deposited amount along with accrued interest thereon.

(c) The statutory amount be transmitted to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it as per Rule.

(d) R & P be sent back to the Tribunal.

10. In view of dismissal of the Appeal, pending Applications, if any, stand disposed of.

(R. M. JOSHI, J.)