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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (ST) NO.24985 OF 2013
WITH
CIVIL APPLICATION NO.493 OF 2014
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CIVIL APPLICATION NO.494 OF 2014**

The Oriental Insurance Co. Ltd,
Through Manager, Shivaji Road,
Panvel.

...Appellant

Vs

Shri Nagesh Shankar Patil And
Ors.

...Respondents

Mr. Devendranath S. Joshi (through VC) for Appellant.
Mr. T. R. Kale i/b Mr. T. J. Mendon for Respondent No.1

CORAM : Jitendra Jain, J.

DATED : 21 April 2026

PC:-

CIVIL APPLICATION NO.493 OF 2014

1. The delay of 291 days in filing the appeal is condoned. Registry to number the appeal finally. Civil Application No.493 of 2014 is allowed.

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2. **Admit.** By consent taken up for final hearing.

3. The present appeal is filed by the Insurance Company challenging the order of the Motor Accident Claims Tribunal, Raigad (MACT), dated 21 July 2012 whereby Rs.1,26,800/- is awarded on account of injury caused to the applicant from an accident.

4. The contention raised by Mr. Joshi, learned counsel for the Insurance Company is that the cheque issued towards premium was not honoured and therefore the question of awarding any compensation against the Insurance Company does not arise. There is no insurance contract between the Insurance company and the insured in the absence of payment of premium. Further Mr. Joshi contends that the offending vehicle does not have any permit. On both these grounds the Tribunal's order suffers from infirmity.

5. At the outset, the issue raised on dishonour of cheque does not appear to have been argued before the Tribunal and therefore, this submission cannot be considered. In any event if the cheque has been dishonoured then it is for the insurance company to take steps against the insured but the victim should not suffer on this count. Nothing is shown to me that the Insurance Company has taken steps towards dishonour of the cheque. Therefore, looking from any angle, this contention cannot be accepted.

6. The next contention deals with the permit of the vehicle . Even this contention does not appear to have been raised before the Tribunal. Therefore, this contention also cannot be considered.

7. The next contention of the Insurance Company as raised in the ground of appeal is that the person riding motor cycle was negligent. In my view, this cannot be considered in the present case, because the claimant in the present case is pillion rider and was not the person driving the motor vehicle.

8. In my view, the Tribunal has given sufficient detail reasons for awarding Rs.1,26,800/- and I do not find any perversity in the finding. Therefore, the appeal is dismissed.

9. The original claimant is entitled to the amount awarded by

the Tribunal alongwith interest.

10. Statutory deposit of Rs.25,000/- be transferred to the MACT, Raigad and the parties are at liberty to make application for refund of the same.

11. Appeal is dismissed. Civil/Interim Application, if any does not survive.

(Jitendra Jain, J)