IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12085 OF 2025
IN
FIRST APPEAL NO.1624 OF 2024

Smt. Anandamma Bojappa Ladi and Ors. … Appellants
Vs.
HDFC Ergo General Insurance Co. Ltd. ... Respondent

Mr. Abhijit P. Kulkarni a/w Ms. Sweta Shah, Adv. for the Appellants
Mr. S. R. Gupta, Adv. for the Respondent

CORAM : R. M. JOSHI, J.
DATED : 25th FEBRUARY 2026.

P. C. :-

1. By consent of both sides heard finally at the stage of admission.

2. The Insurer takes exception to the Judgment and Award dated 10th October, 2018 passed in M.A.C.P. No.2231 of 2014 whereby the claim filed by the Claimant was allowed directing the Owner and Insurer of the offending vehicle to jointly and severally to pay a sum Rs.10,15,000/- with interest @ 7.5% p.a. from the date of Application till its realization.

2. There is no dispute about the fact that an accident occurred on 31st October 2014 when the deceased, a pedestrian was given dash by Motor Dumper bearing No.MH-43-E-9765 at Dharavi. In the said accident,

he sustained severe injuries and succumbed thereto. Deceased was 42 years of age, working on construction site and earning Rs.15,000/- to Rs.20,000/- p.m. Offending dumper was owned and insured by Original Opponent Nos.1 and 2. There is no dispute made by the Insurer with regard to the fact that at the relevant time, the insurer / the offending vehicle was duly insured under the valid insurance policy.

3. The Insurer however disputed the liability for payment of compensation on the ground that the driver of the offending vehicle was not holding valid and effective driving licence at the material time of accident. Learned Counsel for the Appellant/ Insurer submits that the insurer led evidence before the Tribunal indicating that the driving licence which is said to be in the name of Rajesh Ramchandra Yadav, who was driving of the offending vehicle was in fact issued to Shailendra Kumar Singh. According to him, as per evidence of the R.T.O. officer driving licence bearing number UP/72/2005/00005774 was standing in the name of Shailendra Kumar and not Rajesh Ramchandra Yadav who was driving the offending vehicle at the relevant time. Thus, it is his contention that Insurer can not be held liable to pay compensation.

4. Learned Counsel for the respondent /claimant submits that though the insurer has examined the witness, to substantiate the said contention, there is admission of the said witness to the effect that the

insurer has not issued any notice to the owner of the vehicle indicating him about the said driving licence or calling upon him to produce driving licence of the driver of the offending vehicle.

5. Before Tribunal, the Insurer led evidence of its officer who uncertain terms has given admission to the effect that the insurer had not issued notice to the owner of the vehicle about fake of that driving licence. Thus, it is not the case wherein after getting the knowledge from the Insurer Company about fake driving licence, the owner has not placed the driving licence on record. The learned Tribunal has thus rightly considered the evidence on record and rejected the contentions of the Insurer.

6. Learned counsel for the Appellant also submits that claim was not maintainable for non-joinder of the necessary parties i.e. driver of the offending vehicle. This Court finds no substance in the said contention of non-joinder of the necessary parties.

7. In facts of the case, the Tribunal finds no reason for any interference in the Judgment and Award. Hence, following Order is passed.

: **ORDER** :

1) The Appeal stands dismissed.

2) Statutory deposit with accured interest be transferred to the Tribunal for its disposal in accordance with the law.

(R. M. JOSHI, J.)