

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6701 OF 2026

Future Generali India Insurance Co Ltd ..Petitioner
Versus
Maruti Barkya Waghe and Ors ...Respondents
Mr. Rajesh Kanojia, with Deepika Prabhala, i/b Res Juris, for the
Petitioner.

CORAM: N. J. JAMADAR, J.
DATE : 8th JUNE 2026

ORDER:

1. The challenge in this Petition is to an order dated 16th January 2026 passed by the learned Member, Motor Accident Claims Tribunal, Alibaug, whereby an application preferred by the Petitioner-Insurer seeking a direction to the Special Investigation Team formed by the State Government vide Government Resolution dated 9th October 2025 to investigate into the alleged fraud in filing the claim for compensation, was rejected.

2. The substance of the Application was that, initially the claimant had lodged a First Information Report with the assertion that Ms Devaki Maruti Waghe (the deceased), his mother, died in a vehicular accident which occurred on 27th December 2018, involving a Hydra Crane

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bearing Registration MH-06-AL-5864 owned by Respondent No.4. However, since the insurance policy in respect of the said vehicle had expired on 22nd November 2017 much before the date of the alleged accident, after 9 days a supplementary statement was made to plant vehicle bearing No. PB-10-DD-6983, also owned by Respondent No.4. Thus, Respondent No.4 had fraudulently introduced the vehicle bearing No. PB-10-DD-6983 to secure an insurance coverage. It was, therefore, necessary to refer the matter to the SIT formed by the State Government pursuant to the directions of the Supreme Court.

3. The learned Member, MACT was persuaded to reject the Application observing that the Petitioner-Insurer failed to demonstrate that there was a fraud. The Petitioner was directed to exhaust the other remedies as available in law.

4. Mr. Rajesh Kanojia, the learned Counsel for the Petitioner, submitted that a clear case of fraud was made out as another vehicle owned by Respondent No.4 and insured with the Petitioner was planted with an oblique motive to fasten the liability on the insurer. Inviting the attention of the Court to the allegation in the FIR and the supplementary statement given by the Claimant, Mr Kanojia would urge that the aspect of fraud warrants investigation by the SIT. Thus, the learned Member, MACT could not have rejected the Application.

5. A direction for the reference of the matter to the SIT cannot be issued as a matter of course. The Tribunal would be required to satisfy itself that a case warranting investigation by the SIT was made out. Lest if the matters are referred to the SIT for investigation, for the asking, the very object of the ameliorative provisions of the Motor Vehicles Act, 1988 would be defeated.

6. This Court has the benefit of the cross-examination of the Claimant. It would be imperative to note that no effort was made to elicit admissions to substantiate the defence of alleged fraud. Even it was not suggested to the Claimant that in connivance with the owner of the vehicles, another vehicle, which was not involved in the accident but had a valid contract of insurance, was planted. Simply put, no effort was made to drive home the point that there was fraud in planting the vehicle bearing Registration No. PB-10-DD-6983.

7. The aforesaid being the nature of the material on the strength of which the direction to refer the matter to the SIT was sought, the learned Member, MACT was justified in declining to accede to the prayer of the Petitioner on the ground that the Petitioner failed to make out a *prima facie* case of fraud. Thus, in exercise of the supervisory jurisdiction, no interference is warranted with the impugned order.

8. Petition stands dismissed.

9. It is, however, clarified that the Petitioner-Insurer is at liberty to adduce evidence to substantiate the defence that the vehicle was planted.

[N. J. JAMADAR, J.]