
(2013) 07 BOM CK 0049

In the Bombay High Court

Case No : First Appeal (Stamp) No. 21263 of 2012

The Branch Manager, Oriental Insurance Company Ltd.

APPELLANT

Vs

Suryakant and Another

RESPONDENT

Date of Decision : 26-07-2013

Acts Referred:

Citation : (2013) 6 ALLMR 127

Hon'ble Judges : A.P. Bhangale, J

Bench : Single Bench

Advocate : W.G. Paunikar, for the Appellant; P.S. Mirache, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

A.P. Bhangale, J.—Heard. Admit. Taken up for final hearing forthwith by consent of parties. By this appeal, interim Award granted by the Motor Accident Claims Tribunal for Rs. 25,000/- towards no fault liability is challenged.

2. Learned Counsel for the appellant submits that driver had no license for driving the vehicle at the relevant time and as such in no case appellant Insurance Company is liable for any compensation much less towards no fault liability.

3. The contention as raised assailing the impugned interim Award, in my opinion, is not sustainable and the same need not be examined at this stage. The learned Tribunal has rightly held that as on the date of accident, policy in question was valid and the fact that claimant was a pillion rider. Hence, following order is passed.

ORDER

1. Appeal is dismissed.

2. The amount deposited in this court by the Insurance Company be transferred to the Tribunal and the Tribunal shall disburse amount to the respondent No. 1/

claimant.

3. All contents of appellant/Insurance Company are kept open.

4. Appeal stands disposed of accordingly.

5. No order as to costs.