

(2013) 07 BOM CK 0187
In the Bombay High Court
Case No : First Appeal No. 14 of 2013

The Oriental Insurance Company	Vs	APPELLANT
Bajrang and Others		RESPONDENT

Date of Decision : 19-07-2013

Acts Referred:

Citation : (2013) 6 ALLMR 183

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

Bench : Single Bench

Advocate : Mrunal Naik, for the Appellant; P.S. Sahare, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

A.P. Bhangale, J.—Heard. Admit. Taken up for final hearing forthwith by consent of parties. Appeal is directed against interim award u/s 140 of the Motor Vehicles Act, 1988 which was passed on the basis of no fault liability by learned Member, Motor Accident Claims Tribunal, Achalpur granting compensation in the sum of Rs. 25,000/- holding appellant Insurance Company, driver of offending motor vehicle and owner thereof jointly and severally.

2. Learned counsel for appellant contends that accident had occurred on 14.10.2010 i.e. prior to the issuance of policy of Maruti Car and the insurance cover was from 31.10.2010 to 30.12.2011 which was admitted by claimant in paragraph 6 of the claim petition. She further contends that accident had occurred on 14.10.2010 and police report was lodged on 1.2.2011 i.e. after six months and that itself creates doubt about veracity of the accident.

3. Learned counsel for respondent has opposed the aforesaid contentions. He submits that the policy was in force during the period from 31.12.2009 to 30.12.2010.

4. Since main claim petition is pending, it would not be appropriate to examine contentions on merit. Precise to say, learned Member of the Tribunal shall permit

respondents No. 1 and 2 to file motor insurance certificate or policy documents covering the period of accident. The amount of Rs. 25,000/- shall be retained by the Tribunal until claim is decided. The Tribunal shall expeditiously decide the claim petition. Parties to cooperate with the Tribunal for early disposal. In view of what is observed in paragraph 5, appeal stands disposed of. No costs.