

MACP NO.426 OF 2022

ORDER BELOW EX.17

This is an application filed by the Insurer for deletion of its name from the claim application.

2. Heard Counsel for the Insurer and applicant. Perused the reply filed by the applicant vide Exh.18.

3. It is contended by the Insurer that the Insurance Policy No.Do2617544/321025645 covering the period 01.01.2021 to 31.12.2022 produced by the applicant is fake, bogus and fabricated and the Insurer has not issued it to the Opposite party.

4. It is also contended that the insurer has issued the policy No.Do56743108/07022022 in respect of vehicle No.MH-02-FB-8381 for the period from 08.02.2022 to 07.02.2023 i.e. after the date of accident.

5. It is further contended that there are variation in the fake policy filed by the applicant and the original genuine policy issued by the insurer, in respect of policy number, Invoice number, validity period, seating capacity, cubic capacity, partner name, partner code, email, contact number, GST Registration Number so also the final premium calculation is wrong. It is contended that said policy does not exist in the record of their company as the insurer does not issue any policy number having less than 10 digits. Hence, at the time of the accident the vehicle No.MH-02-FB-8381 was not covered with it and they have been unnecessarily joined as a party to this proceeding. The Insurer therefore prayed for deletion of their name from the array of the party.

6. Per contra, applicant has submitted in his reply (Exh.18) that the claim application is filed on the basis of the documents provided by the police officials having certified copy of Insurance Policy of offending vehicle No.MH-02-FB-8381 vide policy No.Do2617544/321025645 issued by the Insurer. It is further submitted that on the basis of Written Statement of the insurer, the issue has been framed on the point of fake policy in this matter which is to be proved by leading evidence with supporting documents. Hence, prayed for rejection of the application.

7. On going through the policy filed and relied on by the applicant, it can be seen that it is in the name of Salim Ibrahim Shaikh against the coverage of vehicle No.MH-02-FB-8381 for a period from 01.01.2021 to 31.12.2022. However, the date of accident is 23.12.2021.

8. Per contra the Insurer has raised the defence at the time of filing the written statement stating therein that the said policy was never issued for the coverage of the vehicle involved in the accident.

9. Considering the submission of the insurer, as the defence raised by the Insurer is required to be proved by leading the evidence, therefore the application filed by the Insurer cannot be allowed. Hence the following order :

ORDER

The application is hereby rejected.

(M. I. Arland)
Chairman,
MACT, Mumbai

Date : 12.02.2026
GDE