

MHRG010008862021



M.A.C.P. No.141/2021
Chandradev Suresh Pal & Anr.
Vs.
Pravin Bhagwan Pawar & Anr.

ORDER BELOW EXH.15

This is an application filed by opponent No.2 to dismiss the claim.

02. It is contended by opponent No.2 that the applicant has filed petition for grant of compensation on account of injuries sustained in vehicular accident. It is contended that the offending vehicle was insured with opponent No.2 and the applicant has placed on record copy of insurance policy. According to opponent No.2, the said policy is fake and therefore the claim against opponent No.2 be dismissed.

03. The applicant filed say and resisted the application.

04. Heard both advocates. The learned advocate Shri. Amit Deshmukh submitted that the policy produced by the applicant is fake as no such policy is issued by opponent No.2. As against this, advocate Shri. D. S. Balkawade submitted that they have received the insurance policy from the police papers and at this stage we cannot come to the conclusion that policy is fake.

05. I have gone through the material on record. It is alleged that vehicle bearing No.MH06/AQ-1619 was involved in the accident. The applicant has placed on record insurance copy which shows that the offending vehicle was insured with opponent No.2 at the relevant time. The opponent No.2 has set up a defence that no such policy is issued by the company and the policy on record is fake. However the issue as whether policy is fake or genuine can only be decided after leading the evidence at the time of trial and at this stage we cannot come to any definite conclusion. Therefore the claim against opponent No.2 at this stage cannot be dismissed. In the result, I pass following order.

ORDER

1. The application at Exh.15 stands rejected.

Alibag.
Dt.: 09/07/2024

(N. K. Maner)
Ex-Officio Member of M.A.C.T.,
Raigad-Alibag