



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST.) NO. 18651 OF 2013  
WITH  
CIVIL APPLICATION NO. 3024 OF 2013  
WITH  
CIVIL APPLICATION NO. 1449 OF 2016

Shriram General Insurance Co. Ltd. ....Appellant/Applicant

*Versus*

Tejkumari Shamsher Bahadur Yadav & Ors. ....Respondents

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Mr. Nikhil Mehta i/by KMC Legal Venture for the Applicant/Appellant.

None for the Respondents.

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CORAM : JITENDRA JAIN, J.

DATED : 26<sup>th</sup> MARCH 2026

P. C. :

1. Since short issue is involved and for the reasons stated herein, the matter is being remanded back, no purpose would be served in issuing notice to the respondent.

2. The appeal is filed by insurance company, challenging an order passed by the Commissioner of Workmen's, directing the insurance company and the owner of the vehicle to pay Rs. 8,61,120/- alongwith interest @ 12% per annum.

3. Insofar as the issue relating to genuineness of the policy is concerned, the Commissioner has rightly observed that the fraud has happened in the office of the insurance company by its own employees and, therefore, applying the doctrine of indoor management, the applicant should not be deprived of his compensation.



4. I do not find that this finding raises any substantial question of law. It is purely a question of fact.

5. However, the insurance company in Ground 'J' of the present appeal memo has stated that the applicants have received Rs. 5,75,000/- under MACP No. 266 of 2012 from MACT, Thane. This MACP was subject matter of the Lok-Adalat dated 16<sup>th</sup> September, 2012, as per the website of the MACT, Thane.

6. If the amount is received from MACP, then same cannot be claimed or ordered to be paid under the Employee's Compensation Act, 1923. Therefore, the appeal is disposed of by passing following order :-

- a) If the insurance company has deposited decretal amount with the Commissioner, then the Commissioner should permit the original applicant to withdraw the amount after reducing Rs. 5,75,000/-, being amount received under MACP. The amount of Rs. 5,75,000/- should be refunded to the insurance company alongwith interest accrued thereon.
- b) If the decretal amount is not deposited by the insurance company, then insurance company to deposit the decretal amount minus Rs. 5,75,000/- with the Commissioner for Workmen's within eight weeks from today and the same can be withdrawn by the original claimants.

7. Appeal is disposed of in above terms.

8. Consequently, Civil Applications, if any, do not survive and are disposed of accordingly.

[ JITENDRA JAIN, J. ]