



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 250 OF 2016
WITH
CIVIL APPLICATION NO. 621 OF 2016

New India Assurance Co. Ltd.Appellant/Applicant

Versus

Kamlesh Lalsingh Sevak & Anr.Respondents

Mr. Shrikant Dange for the Appellant/Applicant.

None for the Respondent.

CORAM : JITENDRA JAIN, J.
DATED : 17th APRIL 2026

P. C. :

1. By consent, taken up for final hearing.
2. This appeal is filed by the Insurance Company to challenge order dated 09th March, 2015, passed by the MACT, Mumbai (Tribunal), by which, compensation of Rs.1,25,501/- alongwith interest was awarded to Mrs. Kamlesh Sevak on account of injury caused by dashing of a motor bike while crossing the road at Dadar.
3. Though respondents are served, there is no appearance.
4. I have heard Mr. Dange, learned counsel for the Insurance Company.
5. The main grievance of the Insurance Company is that the motor bike was not insured with them and the documents produced by way of cover



note are false and fabricated. This argument was raised before the Tribunal and the Tribunal by a detailed speaking order from paragraph 09 onwards has rejected the same.

6. Admittedly, the Insurance Company did not produce the First Information Report (FIR), which according to them was lodged for raising the grievance with respect to fabrication of the documents. In the absence of any copy of First Information Report (FIR) being produced, the contentions raised that the Insurance Company has taken steps for unearthing the fraud, cannot be accepted.

7. The Insurance Company has relied upon their private investigation in support of the submission of the fabrication. This is their internal investigation, which cannot be relied upon. If the investigation was conducted by police authorities, then certainly the Court would have considered the same, but in the absence of any investigation by statutory police authorities, the investigation by private agency cannot be relied upon since this is an issue of fabrication of documents which is penal in nature as per the Indian Penal Code, 1860.

8. The vehicle owner had produced a copy of the insurance policy and the Tribunal have given a finding that same would *prima facie* prove that the insurance policy was issued by the Insurance Company. In the absence of any criminal proceedings being initiated on the ground that this policy is fake, the policy produced by the vehicle owner should be accepted.

9. The Tribunal has given a detailed reasoning for rejecting the various submissions made by the Insurance Company and I do not find any infirmity in the same moreso, in the absence of any evidence in the form of First Information Report (FIR) being produced.



HMK

10. In view of above, appeal is dismissed.
11. Consequently, Civil Application does not survive and is disposed of accordingly.
12. Statutory deposit of Rs.25,000/- to be transferred to the MACT, Mumbai alongwith interest and the parties are at liberty to make an application for refund of the same.
13. The original claimant is entitled to withdraw the amount awarded by the Tribunal and deposited by the Insurance Company.

[JITENDRA JAIN, J.]