



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3860 OF 2023
IN
FIRST APPEAL (ST) NO.28745 OF 2022

Reliance General Insurance
Company Ltd., Mumbai ... Applicant
Versus
Mohd. Iqbal Syed Nabi And Anr. ... Respondents

Ms. Kalpana Trivedi for the Applicant/Appellant.
None for the Respondents.

CORAM : JITENDRA JAIN, J.
DATED : 7 MAY 2026

P.C.:

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1. Learned counsel for the applicant/appellant states that they have already deposited the amount with the Commissioner for workmen.
2. Accepting the said submission, operation of the impugned order is stayed till the disposal of the Appeal. Interim Application No.3860/2023 is allowed.

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3. This appeal is filed under Section 30 of the Employees Compensation Act, 1923. Appeal lies on substantial question of law. Though, substantial questions of law is not framed, however learned



counsel for the Insurance Company has proposed following questions:

Question No.1:

1. Whether the Tribunal was justified in observing that the Insurance Company has not discharged its onus that it was a fake policy ?

4. This issue is discussed in paragraph 18 of the impugned order. The findings of fact given in paragraph 18 with respect to lodging of police complaint in 2019 is not disputed. Before the Tribunal there is no explanation given for delay in lodging the complaint for the period of 5 years from 2014- 2019. The complaint was lodged only after the application was served. The Tribunal has considered all the evidence and has come to a conclusion that the Insurance Company has not conclusively proved that the policy was fake. In my view it is question of fact whether the onus is discharged or not and same cannot constitute substantial questions of law, moreso when it is not disputed that the police complaint was made after 5 years. Therefore, no substantial questions of law arises.

Question 2:

2. The second question proposed is whether the Tribunal was justified in considering disability certificate issued by non treating Doctor ?



5. This issue has been discussed in paragraph 16.
6. I have not been shown any provision of the Act which requires a certificate from a Doctor who has treated the patient. In this case Doctor Naresh Khanna issued a certificate and he was cross examined by the Insurance Company The Tribunal after considering the evidence of Dr. Khanna has arrived at 30% loss in earning capacity of the claimant.
7. In my view, in the absence of any provision which requires a certificate from a treating doctor and the Doctor who gave certificate has been cross examined, no substantial question of law arises.
8. In view of above, appeal is dismissed for substantial question of law.

[JITENDRA JAIN, J.]