

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

925 FIRST APPEAL NO.693/2020  
ORIENTAL GENERAL INSURANCE CO.LTD., JALGAON  
VERSUS  
VINOD RAMESH JADHAV & ANOTHER

AND

926 FIRST APPEAL NO.687/2020  
ORIENTAL GENERAL INSURANCE CO.LTD., JALGAON  
VERSUS  
ROHIDAS @ ABA JAGANNATH LAMBOLE & ANOTHER

AND

927 FIRST APPEAL NO.688/2020  
ORIENTAL GENERAL INSURANCE CO.LTD., JALGAON  
VERSUS  
PRAMILABAI BUDHA BHOI AND ANOTHER

AND

928 FIRST APPEAL NO.692/2020  
ORIENTAL GENERAL INSURANCE CO.LTD., JALGAON  
VERSUS  
VIJAY NAMDEO MAHAJAN AND ANOTHER

929 FIRST APPEAL NO.691/2020  
ORIENTAL GENERAL INSURANCE CO.LTD., JALGAON  
VERSUS  
MAHENDRA MANGU MAHAJAN AND ANOTHER

930 FIRST APPEAL NO.689/2020  
ORIENTAL GENERAL INSURANCE CO.LTD., JALGAON  
VERSUS  
PUNAMCHAND ASARAM MAHAJAN AND ANOTHER

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Mr. Uday S. Malte, Advocate for appellant in all appeals.  
Mr. M.M. Bhokariker, Advocate for respondent no.1 – claimants in all appeals.

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**CORAM: V.L. ACHLIYA, J.**

**DATE: 21.08.2020**

**PER COURT :**

1] Heard learned counsel for the appellant – insurance company.

2] Learned counsel for the appellant – insurance company submits that the appellant has good case to succeed in appeal. The vehicle in question was not insured with appellant covering the date of accident. The cheque received towards payment of premium was returned dishonored with reason ‘funds insufficient’ in drawer’s account. The intimation of dishonor of cheque and cancellation of cover note was given to drawer of cheque as well as R.T.O. on 28.5.2007. The accident in question occurred on 3.9.2007. Therefore, in absence of any subsisting contract of insurance between the appellant – insurance company and the owner of vehicle, the appellant is not liable to indemnify the respondent no.1 – insured. The claimants are entitled to compensation only as against respondent no.1 – the owner of the vehicle.

3] On due consideration of the submissions advanced and the challenge raised in appeals, I am of the view that the appellant – insurance company has strong case to pursue in appeals. Hence, the following order.

### **ORDER**

A] Admit.

B] Issue notice to respondents returnable on

16.10.2020.

C] Shri M.M. Bhokarikar Advocate waives service of notice for the respondents – claimants. Notice be issued to respondent no.2 – the owner of the vehicle returnable on 16.10.2020.

D] Call R & P with paper book.

E] Filing of paper book is dispensed with.

F] Hearing of the appeals is expedited.

G] Liberty to appellant as well as respondents to circulate appeals for final hearing after the service is completed and appeals are ready for final hearing.

**(V.L. ACHLIYA, J.)**