

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3836 OF 2015

Smt. Laxmi Bhagwan Kamlakar and Ors. ..Petitioners

V/s.

Shri. Shashikant Yashwant Zoman
and Ors.

..Respondents

Mr. Vijay Killedar for the Petitioners.

CORAM : C.V. BHADANG, J.

DATE : 10 OCTOBER 2022

P.C.

. Heard learned counsel for the Petitioners.

2. The Petitioners are the original claimants before the learned Motor Accident Claims Tribunal. The Petitioners are aggrieved by the fact that while allowing a claim for compensation of Rs.12,50,000/-, the Tribunal has restricted the liability of the Respondent-Insurance Company to Rs.1,00,000/- only. The Petitioners therefore, approached the Tribunal with an application for review, which was registered as Misc.(Review) Application No. 43 of 2012. On behalf of the Petitioners, reliance was placed on circular dated 16.11.2009 which is an internal circular addressed to the insurance company. The

Tribunal by the impugned order dated 28.01.2015 has dismissed the application for review as being not maintainable.

3. The learned counsel for the Petitioners states that there was a clear suppression of fact by the Insurance Company of the aforesaid circular and therefore, the Tribunal was not justified in refusing to entertain the application for review.

4. Considering the submissions made, issue notice to the Respondents, returnable on 21.11.2022.

5. Notice to indicate that the petition could be taken up for final disposal at the stage of admission subject to constraints of time.

6. Notice by RPAD is allowed in addition to the regular mode.

C.V. BHADANG, J.