

Bombay High Court

Smt. Chabu @ Chayatai Vasanta ... vs Balaji S/O Wasudeo Somankar And ... on 17 September, 2019

Bench: Manish Pitale

1/2

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO. 1441 OF 2019  
Smt.Chabu @ Chayati Vasanta Kodape and other  
-Vs.-  
Balaji Wasudeo Somankar and another

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's

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Mr.Rohit Joshi, counsel for the appellants.  
Mr. S.S.Ghate, counsel for the respondent No.1.

CORAM : MANISH PITALE, J.

DATE : 17.09.2019.

Heard learned counsel for the appellants.

2. Issue notice on the following substantial questions of law.

(i) Whether in the present case, it could be said that the alleged breach of policy could be said to be the root cause of accident thereby exonerating the insurance company?

(ii) Whether in the present case even if it was to be concluded that there was indeed a breach of policy, whether an order of pay and recover ought to have been passed by the Commissioner?

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(iii) Whether the finding rendered by the Commissioner that the trolley attached to the tractor not being insured could also be a reason to absolve the insurance company, was a perverse finding?

3. The notice is made returnable in four weeks.

4. Learned counsel Mr. S.S.Ghate waives notice on behalf of the respondent No.1.

5. The notice may additionally be served by registered post acknowledgment due and other such means of communication.
6. In view of above substantial questions of law, this Court is of the opinion that perusal of the record is necessary for deciding the present appeal. Hence, call for R & P.
7. The Registry is directed to secure the R & P before next date of hearing.

JUDGE KHUNTE