

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1124 OF 2015
WITH
CIVIL APPLICATION NO.3424 OF 2015

United India Insurance Company Limited ... Appellant
vs.
Bhalchandra Keshav Paranjape and Others ... Respondents

Mr. Ketan Joshi, Advocate for the Appellant.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **28th OCTOBER, 2015**

P.C.:

. By consent of both the parties, the Appeal is disposed of finally at the stage of admission.

2. This Appeal is directed against the order dated 27th April, 2015 passed by the Chairman, Motor Accident Claims Tribunal, Sangli in application below Exhibit '5' in M.A.C.P. No. 95 of 2014. It is a death claim filed by the parents and sister of the deceased who died in the accident when he was driving his own car. The Tribunal by the said order has granted Rs. 50,000/- towards No Fault Liability under

Section 140 of Motor Vehicle Act. The said order is challenged in this Appeal.

3. The learned counsel for the Appellant submits that the challenge to the order and the Appeal is based only on the ground that the policy of the vehicle was not of comprehensive policy but was really a package policy wherein the owner or gratuitous passenger travelling in car were not covered.

4. Perused the impugned order. In para 12 of the order, the learned Tribunal has mentioned that the insurance company cannot deny liability under Section 140 of the Motor Vehicle Act and if the Insurance Company succeeds finally, it can recover the same from the claimants and the said point is kept open for the parties. In view of this finding, it is necessary for the Insurance Company to lead the evidence on this point and it can be decided finally at the stage of decision of the application.

5. Hence, the Appeal stands dismissed summarily.

6. The statutory amount of Rs. 25,000/- which is deposited in the High Court be transferred to the Tribunal.
7. In view of the above, the Civil Application No. 3424 of 2015 is disposed of.
8. All the contentions raised by the parties are kept open.

(MRS.MRIDULA BHATKAR, J.)