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

**REVIEW APPLICATION (CIVIL) NO. 196 OF 2016
IN
FIRST APPEAL NO. 1349 OF 2014**

Associated Cargo Movers and Packers
Private Limited,
Having its head office at Plot No. 12-,
1st Floor, Fakhri Hills,
Heaven Hills Co-Op. Hsg. Society,
Kondhwa Road, Pune-411 040

..APPLICANT

VERSUS

1. Hanumant s/o Raghunath Mali,
Age: 27 years, Occu: Nil,
R/o. Bamni,
Taluka & District Osmanabad
2. Bajaj Allianz General Insurance
Co. Ltd., Registered Office at G.E.Plaza,
Airport Road, Yerwada,
Pune – 411006

..RESPONDENTS

Mr A. S. Savale, Advocate for applicant;
Mr A. S. More, Advocate for respondent No.1;
Mr Mohit Deshmukh, Advocate holding for Mr S. G. Chapalgaonkar,
Advocate for respondent No.2

**CORAM : N.W. SAMBRE, J.
DATE : 14th June, 2017**

ORAL ORDER

It is the claim of the respondent No. 1 that while working as a labour on the truck owned by the present applicant he met with an accident, as a consequence whereof, he filed the claim petition.

2. It is specific case of the original claimant that while working as a labour on the truck owned by the applicant, which was insured with respondent No.2 – insurance company, he suffered an accident. It is the

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claim of the applicant, so also that of original claimant that the vehicle in question was comprehensively insured with respondent No.2 – insurance company and in the said background, the liability of the insurance company is required to be ascertained, particularly about payment of compensation. It is brought to my notice that said angle for want of insurance company before this Court as party respondent was not examined and gone into. As such, review is sought.

3. Having considered the aforesaid submissions, in my opinion, once pursuant to the order of the Apex Court passed in Special Leave to Appeal (Civil) No.3040 of 2016 on 8th February, 2016, since the insurance company is directed to be added as party to the review petition and so also to the appeal for which Advocate Mr Deshmukh appears and waives, the judgment of dismissal of appeal is required to be set aside and accordingly the same is set aside with further directions to place the matter before the appropriate Court for rehearing.

4. The learned Counsel for the applicant-appellant shall carry out amendment in the memo of appeal forthwith.

5. The judgment dated 27th July, 2015, passed by this Court dismissing First Appeal No.1349 of 2014 is hereby set aside for the above disclosed reason. The First Appeal stands restored to the file.

(N.W. SAMBRE, J.)

amj