

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

FIRST APPEAL NO.1341 OF 2005

The New India Assurance Company Ltd. ... APPELLANT

VERSUS

Sunita w/o Sanjay Shinde & ors. .. RESPONDENTS

.....
Shri A.B. Kadethankar, Advocate for appellant
Shri Chaitanya Deshpande, Advocate holding for
Shri C.R. Deshpande, Advocate for respondents No.1 to 3
.....

CORAM: A.M. DHAVALA, J.

DATED : 10th August, 2018.

ORAL ORDER :

1. This is appeal by the Insurance Company, challenging the fastening of liability on it by the Member, Motor Accident Claims Tribunal, Dhule by judgment dated 5.8.2005, passed in Motor Accident Claim Petition No.872/2003. Learned Advocate Mr. Kadethankar argued that, the deceased was traveling as a pillion rider and he is not a third party and, therefore, the Insurance Company had preferred the appeal challenging the liability fixed on the Insurance Company. He argued that the pillion rider is not third party. However, now the legal position is

well settled that pillion riders are treated as third party and are covered by the Insurance policy. Therefore, there is no substance in the appeal. Hence, the appeal is dismissed. Parties to bear their own costs.

(A.M. DHAVALA)
JUDGE

fmp/