

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

FIRST APPEAL NO.1383/2019

Vijay s/o Govindrao Batte and another
...Versus...
Purushottam s/o Pisa Meshram and others

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

Court's or Judge's orders

Shri Madhur Deo, Counsel for appellants
Shri R.R. Vyas, Counsel for respondent nos.1 and 2
Shri A.W. Paunikar, Counsel for respondent no.3

CORAM : AVINASH G. GHAROTE, J.
DATE : 09/01/2020

Shri Deo, the learned Counsel for the appellants contends that the learned Tribunal has incorrectly exonerated the insurance company of its liability on presumption that the deceased was a passenger in the vehicle, when the fact is that he was actually an employee of the owner of the vehicle, who was travelling to attend work.

Learned Tribunal has found that the liability in respect of the deceased, who was occupant of the goods vehicle, was not specifically covered by the policy at Exh.25, which was only a third party insurance policy.

Considering the issue involved, the first appeal is **admitted.**

Learned Counsel Shri R.R. Vyas waives service of notice for respondent nos.1 and 2 on merits and learned Counsel Shri A.W. Paunikwar waives service of notice for respondent no.3 on merits.

CIVIL APPLICATION (CAF) NO.4090/2019

An amount of Rs.3,00,000/-, which was directed to be deposited under the order passed by this Court dated 10/12/2019, has already been permitted to be withdrawn. Hence, the civil application stands disposed of. No order as to costs.

JUDGE

Wadkar, P.S.