

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

974 FIRST APPEAL NO.187 OF 2008  
WITH CA/3153/2003 IN FA/187/2008

UNITED INDIA INSURANCE CO LTD  
VERSUS  
BABSAHEB KERU KOKRE ETC

...  
Advocate for Appellant : Mr. A B Gatne  
Advocate for respondent No.2 : Mr. V. H. Dighe

....

**CORAM : S. G. DIGE, J.  
DATE : 30.09.2022**

**PER COURT :-**

This appeal is preferred against the judgment and award passed by Member, Motor Accident Claims Tribunal, Ahmednagar.

2. Learned counsel for the appellant submits that out of same accident, the appellant has preferred First Appeal before this Court against the judgment and award passed by the Tribunal (for short "the Tribunal" )bearing First Appeal No. 514 of 2004, First Appeal No. 515 of 2004, First Appeal No. 516 of 2004, First Appeal No. 780 of 2004. In these appeals, this Court (Coram T.V. Nalawade J.) by the Judgment dated 8<sup>th</sup> February, 2016 has exonerated the appellant from paying compensation. Hence requested to pass appropriate order. Learned counsel for respondent No.2 has not disputed this fact. Though respondent

Nos. 1 and 3 are served none appears for respondent Nos. 1 and 3.

3. The vehicular accident had taken place on 9<sup>th</sup> January, 1997 at about 7.00 a.m. near village Guha on Ahmednagar - Manmad Road. This Court (coram T.V. Nalawade J) on 8<sup>th</sup> February, 2016, has held that appellant United India Insurance Company Limited is not liable to pay compensation as the Truck, in which claimants were traveling, was goods vehicle. The order passed by this Court has not been challenged hence attained finality. This Court cannot take a different view. In view of the above, I pass the following order.

**ORDER**

- (i) The appeal is allowed.
- (ii) The judgment and order passed by member Motor Accident Claim Tribunal, Ahmednagar in M.A.C.P. No. 816 of 1997 dated 30.08.2002 against the appellant, is quashed and set aside. If any amount is deposited by the appellant, it be refunded to the appellant along with accrued interest thereon.

All pending Civil Application disposed of.

**( S.G. DIGE, )  
JUDGE**