IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

FIRST APPEAL NO. 87 OF 2021

Reliance General Insurance)
Company Limited,)
Office at 570, Naigaum Cross Road,)
Next to Royal Industrial Estate,)
Wadala (W), Mumbai – 400 001)

Branch Office:517/ Az-R.D.)
Vichare Complex, Gemstone,)
Shop Nos. 71 to 74,)
Near Central S. T. Stand,)
Kolhapur, District: Kolhapur)....Appellant

Versus

1. Satish Krishna Bhat (Deleted))

2. Lata Satish Bhat)

Age: 51 years, Occ: Household)
Residing at 16/1393, Near Kajave)
Hospital, Burud Galli, Ichalkaranji,)
Taluka hatkanagale,)
District: Kolhapur)

3. Sureshdrakumar Ramprakash Bangad)
Age: 36 years, Occ: Owner of the)
Hero Super Splendor Motorcycle,)
Residing at 14-502/1, "Narmada",)
Naik Mala, Narendra Housing Society,)
Ichalkaranaji, Taluka Hatkangale,)
District: Kolhapur)....Respondents

Mr. Pandit Kasar, Advocate for the Appellant.
Mr. Manoj A. Patil a/w Mr. Siddhesen Borulkar and Mr. Indrajit Magdum, Advocate for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th JANUARY, 2024.

Oral Judgment. :

1. The issue involved in this appeal is deceased cannot be termed as a third party.

2. It is contention of learned counsel for the Appellant that at the relevant time, deceased was driving a motorcycle of Original Respondent No.1 therefore, deceased cannot be termed as a third party under the Insurance Policy but this fact is not considered by the tribunal hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondents/Claimants that the motorcycle hit by unknown vehicle and the rider of motorcycle i.e deceased applied breaks because of it motorcycle turned turtle and he sustained fatal injuries. Learned counsel further submitted that the Original Opponent No.1 and owner of the motorcycle had deposited Rs. 50/- with Appellant/Insurance

Company as a premium of Insurance Policy. The Tribunal has considered all the aspects on that basis order is passed hence, no interference is required in it.

4. I have heard both learned counsel. Perused judgment and order passed by the Motor Accident Claims Tribunal, Ichalkaranji (for short "the Tribunal").

5. It is contention of the learned counsel for the Appellant that at the relevant time, deceased was driving a motorcycle of Original Respondent No.1, therefore, the deceased cannot be termed as a third party. While dealing with this issue, the Tribunal has observed that in the Insurance Policy at Exhibit-42. It is mentioned that compulsory PA covers for owner-driver of CSI 1,00,000 (IMT-15) and accordingly Original Opponent no.1 deposited Rs.50/- with Appellant/Insurance Company therefore, as per view of this Court in case of ***D.M. vs. Vijaya reported in 2019 (1) TAC 18 (Bom.)***. The Claimants are entitled for compensation of Rs.1,00,000/-. I do not find infirmity in it. As in present case, the owner of the motorcycle had paid the premium of Rs.50/- and accordingly the Tribunal has awarded Rs.1,00,000/- amount as a compensation.

6. In view of above, I pass following order.

ORDER

i. Appeal is dismissed.

ii. The claimants are permitted to withdraw the deposited amount along with accrued interest thereon.

iii. The statutory amount be transmitted to the Tribunal along with accrued interest thereon. The parties are at liberty to withdraw it, as per Rule.

7. All pending applications stand disposed of.

(SHIVKUMAR DIGE, J.)