



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

FIRST APPEAL NO.313 OF 2024

HDFC ERGO General Insurance Co. Ltd. Vs. Gausiya Begum Wd/o Mohd. Salim & others

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

Court's or Judge's orders.

Shri H.N. Verma, Advocate for appellant.

CORAM : M.W. CHANDWANI, J.

DATE : 02.09.2024.

. This is an appeal filed by the Insurer against the order dated 03.10.2023 passed by the learned Member, Motor Accident Claims Tribunal, Achalpur on the application under Section 140 of the Motor Vehicles Act, 1988 directing the Insurer and other respondent i.e. driver of the swift vehicle bearing registration No.MH-40/KR-7325 to pay jointly and severally, compensation towards No Fault Liability.

2. Considering the written statement/reply filed by the appellant before the Tribunal contending that the swift car, which was involved in the accident, was insured with the appellant under the Private Car Liability Only Policy which does not cover any passenger since, coverage of the passenger was not purchased by the owner of the said vehicle. It appears from the impugned order that though this objection has been noted in the order but no reason has been given by the Tribunal to overrule this objection while passing the impugned order. The appeal can be disposed of by remanding the matter before the Tribunal

with a direction to decide the application after considering the objection raised by the appellant-Insurance Company.

3. In the above terms, the appeal is allowed and the matter is remanded back to the Tribunal for deciding the application below Exhibit-5 afresh after considering the objection raised by the appellant –Insurance Company. Amount deposited by the appellant in this Court be refunded to it including statutory deposit with accrued interest thereon, if any.

JUDGE

Wagh