

Before Member, Motor Accident Claims Tribunal, Dhule.

(Presided over by Mr.D.M.Aher)

Application Exh.31

In

Motor Accident Claim Petition No.619/2021

(CNR No.MHDH010025212021)

(Firoj Shah Rashid Shah V/s. Salim Khan and Ors.)

ORDER

The respondent No.6 The New India Assurance Company Limited has prayed to delete its name from the petition.

2. It is the case of respondent No.6 insurance company that the policy issued by it for offending vehicle No.GJ-10/TV-4755 is not issued under the Motor Vehicles Act. The said policy is carriers legal liability insurance policy issued under Carriers Act, 1865. The policy undertakes to indemnify the insured against legal liability for actual physical loss or damage to the goods by fire or accident. The policy does not cover the risk of third parties. Hence, respondent No.6 is not necessary party to the petition. Infact, the offending vehicle has taken another insurance policy from the United India Insurance Company Limited to cover the risk of driver and third parties. Hence, this application to delete the name of respondent No.6 from the petition.

3. The learned advocate for the claimant in his say gave no objection to delete the respondent No.6 insurance company from the petition.

4. Heard. It is clear that the petition is filed for the compensation U/Sec.166 of the Motor Vehicles Act. The

claimant has impleaded the respondent No.6 the New India Assurance Company Limited on the ground that the offending vehicle was insured with respondent No.6 vide policy No.21220036201100000014. The claimant has filed the copy of said policy at Sr.No.15 with list of document Exh.7. The policy is titled as 'Policy Scheduled For Carriers Legal Liability Insurance'. It is clear that the policy is only for risk relating to goods in the vehicle. The policy does not cover the third party liability. The learned advocate for respondent No.6 has filed the copy of terms of the policy with application Exh.32 in connected case bearing M.A.C.P.No.489/2021. It is clear from the terms of the policy that it is issued under Carriers Act, 1865 and it covers the liability only in respect of loss or damage to goods or merchandise in the vehicle. It is very much clear that the said policy does not cover third party liability. Thus, respondent No.6 is neither necessary nor proper party to the petition. Hence, the name of respondent No.6 is liable to be deleted from the petition. Hence, the order.

5. In view of above, application Exh.31 is allowed. The name of respondent No.6 The New India Assurance Company Limited be deleted from the array of respondents from the petition. The claimant to carry the amendment on or before next date. No costs.

Date : 13.12.2024.

(D.M.Aher)
Member,
Motor Accident Claims Tribunal,
(Court No.5),Dhule.

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CERTIFICATE

I certify that the contents of this P.D.F File are word to word as per Original Judgment/Order.

Name of the Stenographer : J.S.Jain.
Name of the Court : Court of District Judge-5,
Dhule.
Order directly typed on dias : 13.12.2024.
computer.
Order checked and signed by : 13.12.2024.
Presiding Officer
P.D.F. Uploading Date : 13.12.2024.

Sd/- xxx

Stenographer(Grade-I)