

HIGH COURT OF ANDHRA PRADESH:: AMARAVATI

MAIN CASE NO.: MACMA.No.772 of 2025

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1	11-08-2025	<u>CGR, J</u> <u>MACMA No.772 OF 2025</u> Admit. Notice. Learned counsel for appellant is permitted to take out personal notice to respondents and file proof of service in the Registry. List this matter in usual course. <u>I.A. No.1 of 2025</u> On account of death of pillion rider, claiming compensation, his parents preferred claim under Section 166 of Motor Vehicles Act seeking for compensation. Tribunal by impugned order awarded compensation of ₹14,30,800/- along with interest @ 7.5% per annum. Learned counsel for appellant contends that Ex.B1 – Insurance Policy in vogue covers only liability of third party alone, inasmuch as the pillion rider cannot be said to be third party, the Tribunal ought not to have imposed liability on the appellant-Insurance Company. She placed reliance on judgment of Hon'ble Apex Court in Oriental Insurance Co. Ltd. V. Sudhakaran K.V. & Ors. [AIR 2008 SC 2729] and the judgment of	

High Court of Madras in **United India Insurance Company Ltd. V. Sathish Kumar and another [2019 SCC OnLine Mad 16849]**.

Perusal of impugned order, prima facie, goes to show that Tribunal has merely proceeded on the pretext that policy covers all types of risks, not only third party risk and thereby fastening liability on the insurance company.

In the judgments referred to above, it has been held that pillion rider of two wheeler would not be covered by Act policy, even in the present case, the policy has made certain general exceptions, unless there is separate premium paid to cover even such eventualities, the deceased pillion rider cannot claim compensation.

In view of the same, there shall be interim stay of all further proceedings in pursuance of the judgment and decree dated 08.05.2025 passed in M.V.O.P.No.368 of 2022 by the Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Vizianagaram, subject to condition of the appellant depositing 1/3rd of the amount awarded along with interest and costs, within a period of eight (08) weeks from today. On such deposit being made, respondent Nos.1 and 2/claimants are permitted to withdraw the amount in proportionate shares in terms of the impugned judgment.

CGR, J

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