

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2161 of 2025**

=====

LINABEN RAMJIBHAI BHADJA & ORS.

Versus

MAHESHBHAI GOVINDBHAI BHADJA & ANR.

=====

Appearance:

MR TUSHAR L SHETH(3920) for the Appellant(s) No. 1,2,3,4,5

=====

CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE**Date : 03/07/2025****ORAL ORDER**

1. Heard Mr. Tushar L. Sheth, learned advocate on record for the appellants-original claimants.
2. It is submitted by learned advocate for the appellants that the Tribunal committed gross error in appreciating the terms & conditions of the policy of the vehicle driven by the deceased. According to learned advocate, considering the Clause-3, which is provided under Section 2 of the subject related to "liability to third parties", the Insurance Company had undertaken to indemnify *any driver*, who is driving the vehicle on the insured's order or with insured's permission. He has further referred to the personal accident cover for owner-driver as provided under Section 3, wherein the Insurance Company has undertaken to indemnify the owner-driver to the extent of Rs.1

Lakh towards personal accident. By referring to the aforesaid clauses, learned advocate has submitted that the Insurance Company was, therefore, liable to indemnify towards the loss of damages sustained due to untimely death of the deceased being treated as third party to the vehicle involved as well as towards the personal accident cover as provided under Section 3 of the policy. However, the Tribunal has exonerated the respondent no.2-Insurance Company from its liability to pay compensation on the erroneous interpretation of the judgment of the Hon'ble Supreme Court in the case of **Ramkhiladi vs The United India Insurance Company** reported in **2020 (2) SCC 550**, which according to him, was on a different set of facts; as according to him, it did not address the issue in case of comprehensive policy. Learned advocate has also placed reliance upon the grounds raised in the appeal memo on the issue of limited scope of remand.

3. Considering the aforesaid submissions of learned advocate for the appellants, issue **Notice** upon the respondents, making it returnable on **31.07.2025**.

4. In the meanwhile, Registry is directed to call for record and proceedings from the concerned Tribunal without paper book.

SUYASH SRIVASTAVA

(NISHA M. THAKORE,J)