

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

FIRST APPEAL NO.1339 OF 2003

Hari Ram Buddhu Yadava Appellants

V/s.

Mr.Sanap Keru Telyaba & Anr. Respondents

**WITH
FIRST APPEAL NO.1340 OF 2003**

Shri.Anuraddha Raman Gupta Appellants

V/s.

Mr.Sanap Keru Telyaba & Anr. Respondents

**WITH
FIRST APPEAL NO.1341 OF 2003**

Ram Adhar Ram Karan Saroj Appellants

V/s.

Mr.Sanap Keru Telyaba & Anr. Respondents

**WITH
FIRST APPEAL NO.1225 OF 2003**

Shri.Jokhu Pyrelal Gupta Appellant

V/s.

Mr.Sanap Keru Telyaba & Anr. Respondents

Ms.Ketki Gokhale, for the Appellant.

Mr.Saumen Vidyarthi a/w Mr.Mohit Turalchia i/b Mr.Sumen Vidarthi, for Respondent No.2 in all Appeals.

CORAM : ARUN R. PEDNEKER, J.

DATE : 20th JUNE 2024

P.C:-

. Part heard.

2. Heard learned counsel appearing for the Insurance Company. He submits that present Claim would be covered within the judgment of the Supreme Court in the case of *National Insurance Company V/s. Baljit Kaur & Ors*¹ wherein a gratuitous passenger is held to be not entitled for the Claim. So also if the contention of the Claimant is that the deceased was the owner of the goods or his authorised representative was travelling with the goods and in the vehicle, in the judgment of the *New India Assurance Co Ltd. V/s. Asha Rani & Ors*.², it is clearly held that even the owner of the goods travelling in the goods vehicle cannot claim compensation prior to the 1994 amendment.

3. He also relied on the judgment of the *M.V. Jayadevapp & Anr V/s. Oriental Fire & General Insurance Co.*

1 2004 ACJ 428

2 (2003) 2 SCC 223

*Ltd. & Ors.*³ to contended that this vehicle is not authorized to carry passenger and no liability can be fasten on the Insurance Company.

4. List this matter on 27th June 2024.

(ARUN R. PEDNEKER, J.)

3 2005 ACJ 1801