



Sayed



19-FA.2/7.2017/JUC

2026:BHC-AS:14035

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.274 OF 2017

Suman Siyaram Parik	...Appellant
<u>Versus</u>	
Digambar Laxman Taware & Ors.	...Respondents

Mr. Sanjay Ghaisas for the Appellant.
Mr. Sachin Raje for Respondent No.2.

CORAM : JITENDRA JAIN, J.

DATE : 24 MARCH 2026

P.C.:

1. This appeal is filed by the original applicant challenging the order of the Motor Accident Claims Tribunal (MACT), Raigad – Alibag, whereby the application came to be rejected solely on the ground that the deceased was at fault though the application was made under Section 163A of the Motor Vehicles Act, 1988. The impugned order was passed on 12 April 2016.

2. Post the impugned order, the Hon'ble Supreme Court in the case of *United India Insurance Company Limited vs. Sunil Kumar & Anr.*¹ has held that under Section 163, the issue of negligence cannot be gone into. This decision was not available when the impugned order was passed. Therefore, it is the request of both the parties that this matter be remanded back to decide afresh by considering all the decisions on this issue, and if found eligible to award compensation in accordance with the parameters laid down by the Hon'ble Supreme Court in the case of *National Insurance Company Limited vs. Pranay Sethi & Ors.*²

¹ (2019) 12 SCC 398

² (2017) 16 SCC 680



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3. I find that the suggestion made by both the counsel is reasonable since decision in the case of *Sunil Kumar & Anr. (supra)* was not available at the time when the MACT decided the matter. Therefore, in the interest of justice, the impugned order dated 12 April 2016 is quashed and the original application is restored back to the file of the MACT to be adjudicated afresh.

4. All the contentions of all the parties on all the issues are kept open.

5. The appellant to appear before the MACT on 20 April 2026 at 11:00 a.m. so that the MACT can fix up the date for hearing. If any application is made for expediting the hearing then the same may be considered by the MACT.

6. The appeal is disposed of in above terms.

[JITENDRA JAIN, J.]