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

FIRST APPEAL NO. 55 OF 2026

Shital Sanjay Dakare And Ors. ...Appellant  
VERSUS  
Umesh Annaso Waghmode And Ors. ...Respondents

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Mr. Viraj Nalawade a/w Tanvi Lad, Sharvari Tipugade and Girish Mujumdar for the Appellants.

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**CORAM : M. M. SATHAYE, J.**  
**DATE : 24<sup>th</sup> MARCH, 2026.**

**P.C.**

1. Heard learned counsel for the Appellants / Original Claimants, who are challenging the impugned judgment and order by which only the employer is held liable to pay compensation and Insurance Company has been exonerated.

2. Perused the impugned judgment and order.

3. Learned counsel for the Appellant submits that Trolley Nos. MH-09-AL-743 and MH-09-AL-744 as well as Trolley Nos. MH-09-CA-3720 and MH-09-CA-3721 were insured with the Respondent No. 2 Insurance Company; however, merely because at the time of accident, trolleys attached were not part of the policy in respect of Tractor involved, it is held that there is breach of policy conditions and Insurance Company being exonerated. He relied upon the judgment of **Hon'ble Supreme Court in the case of Royal Sundaram Alliance Ins. Co. Ltd. Vs. Honnamma And Others, [2025 ACJ 1002]** in support of his case.

4. Issue notice of final disposal to the Respondents returnable on 05.05.2026 for consideration of following substantial question of law.

“Whether the learned Commissioner for Employees’ Compensation was justified in exonerating Respondent No. 2-Insurance Company from liability, when the trolleys which were attached to the tractor in question were also insured with the Insurance Company, though not with the tractor involved ?”

**[M. M. SATHAYE, J.]**