

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Misc. Appeal No. 1013/2024

United India Insurance Company Limited, Mohan Colony, Udaipur
Road, Bganswara. (Insurance Company)

----Appellant

Versus

1. Smt. Bhuli W/o Dalji Pargi, Aged About 60 Years, R/o Ghatigara, Nagawara, Tehsil Bagidora, Sub-Division Bagidora, Dist. Banswara (Raj.)
2. Smt. Sangeeta W/o Late Shri Bapulal Pargi, Aged About 37 Years, R/o Ghatigara, Nagawara, Tehsil Bagidora, Sub-Division Bagidora, Dist. Banswara (Raj.)
3. Asha D/o Late Shri Bapulal Pargi, Aged About 19 Years, R/o Ghatigara, Nagawara, Tehsil Bagidora, Sub-Division Bagidora, Dist. Banswara (Raj.)
4. Ashish Pargi S/o Late Shri Bapulal Pargi, Aged About 17 Years, R/o Ghatigara, Nagawara, Tehsil Bagidora, Sub-Division Bagidora, Dist. Banswara (Raj.) Through Natural Guardian Mother Sangeeta W/o Late Shri Bapulal Pargi, R/o Ghatigara, Nagawara, Tehsil Bagidora, Sub-Division Bagidora, Dist. Banswara (Raj.)

----Respondents

For Appellant(s) : Mr. Aditya Singhi

For Respondent(s) : --

HON'BLE MR. JUSTICE MADAN GOPAL VYAS

Order

23/05/2024

Learned counsel for the appellant-Insurance Company submits that in the present case, the basic premium on vehicle and accessories, the basic third party and restricted TPPD cover was taken and no premium was taken for personal accident of owner. It is submitted that in the present case, deceased himself

was tort-feaser as he was driving the vehicle in question rashly and negligently and the claim was filed under Section 163A of the Motor Vehicles Act and the owner of the insured motorcycle does not come within the definition of third party. The matter requires consideration.

2. Admit.

3. Issue notice to respondent. Issue notice of stay application also, returnable on 22.07.2024.

4. Till then, effect and operation of the impugned judgment and award dated 08.01.2024 passed by the learned Family Court, Banswara in MAC Case No. 330/2023 shall remain stayed qua the appellant-Insurance Company.

(MADAN GOPAL VYAS),J

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