

ITEM NO.7

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 16628/2019

(Arising out of impugned final judgment and order dated 16-07-2018 in FA No. 0448/2007 passed by the High Court Of Judicature At Bombay At Aurangabad)

SK. WASIMODDIN

Petitioner(s)

VERSUS

THE UNITED INDIA INSURANCE COMPANY LTD. & ORS.

Respondent(s)

(IA No.80295/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 80295/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-02-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Amol B. Karande, AOR
Mr. Narendar Rao, Adv.
Mr. Shivang Singh, Adv.
Ms. Shireesh Tyagi, Adv.
Ms. Pranali, Adv.
Ms. Palak Mathur, Adv.

For Respondent(s) Mr. VS Chopra, Adv.
Ms. Manjeet Chawla, AOR
Mrs. Usha Pant Kukreti, Adv.
Mr. Yashvardhan S. Soam, Adv.

Mr. Varun V. Solshe, Adv.
Mr. Vivek C. Solshe, Adv.
Mr. Pradeep Kumar Gupta, Adv.
Mr. Ashok Kumar Gupta Ii, AOR

Dr. Ravindra Sadanand Chingale, AOR
Ms. Deeplaxmi Matwankar, Adv.
Ms. Sumbul Ausaf, Adv.
Ms. Kalyani Lal, Adv.

UPON hearing the counsel the court made the following

O R D E R

1. Learned counsel for the parties state that the issue in the present case as to whether a pillion rider is covered by 'Act Only Policy' under which the offending vehicle in question was insured, is stated to have been referred for consideration by a larger Bench in terms of an order dated 25th August, 2022 passed in SLP (Civil) No.3433 of 2020. The question that has been formulated is reproduced below:

“However, the question as to whether the third party includes all other persons other than the insured, who is the first party and the insurer, who is the second party. Therefore, all other persons who are neither the insured nor the insurer will be third party and will be covered by the Act Only policy, we have prima facie reservation about the view expressed. Such question is required to be determined authoritatively.”

2. At the request of the learned counsel for the parties, the Registry is directed to tag this matter along with SLP (Civil) No.3433 of 2020.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Nand Kishor)
Court Master (NSH)