

Insurance - Accident was caused as a result of a portion of the road giving away - The accident was in the nature of a landslide, as a result of which the vehicle fell into a deep ditch.

Insurance - IMT 47 applies to a situation where the loss or damage has been caused due to “overturning” arising out of the operation as a tool of such vehicle or of plant forming part of such vehicle or forming a part thereto - For the provisions of IMT 47 to be applied, it is essential to establish that the loss or damage was caused due to overturning and that the overturning should arise out of the operation as a tool of such vehicle - Accident was caused as a result of a portion of the road giving away - The accident was in the nature of a landslide, as a result of which the vehicle fell into a deep ditch - Case, therefore, did not involve loss or damage due to the overturning of the vehicle - The damage or loss was not as a result of the overturning of the vehicle, but was plainly due to the collapsing of the road, which resulted in the vehicle falling into a deep ditch in a hilly terrain.

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