

MVA - Gratuitous passenger in a 'goods vehicle' - Once the Insurance Company has deducted premium for third party, it is liable - Even if claimant has not filed appeal, amount can be enhanced. [(210) PLR 375]

- The [motor vehicles act](#), 1988, Section 147(1), 149(2)(a)(ii), 168 deals with [insurance](#) coverage and compensation related to motor vehicle accidents.
- **A gratuitous passenger was travelling in a vehicle registered as a 'goods vehicle', which is not intended for carrying passengers.**
- The insurance policy's schedule of premium indicates that it includes basic third-party coverage, covering any damage or loss suffered by a third party in case of an [accident](#).
- **The insurance company, having deducted a premium for third-party coverage, cannot evade its liability in such cases.**
- Under the Motor Vehicles Act, 1988, Section 168 and the Civil Procedure Code, 1908 (V of 1908) Order 41 Rule 33, the Tribunal and Appellate Court have a statutory obligation to **award compensation that is just and reasonable**.
- **The rule can be invoked to mould relief for the claimant, even if they have not filed any appeal against the award.**
- The Court is obligated to pass an order delivering complete justice by awarding just and reasonable compensation, in accordance with its powers under Order XLI Rule 33 and its statutory duty as outlined in Section 168 of the Act.
- **(210) PLR 375**
- **[Full Judgment with detailed headnotes for Online Subscribers](#)** (Click to [subscribe](#) Trial Pack)

Tags: [CPC O. 41 R. 33](#), [Gratuitous passenger](#), [MVA - goods vehicle](#), [MVA S. 147](#), [MVA S. 147\(1\)](#), [MVA S. 149\(2\)\(a\)\(ii\)](#), [MVA S. 168](#), [Third party premium](#)