ITEM NO.107 COURT NO.2 SECTION XI-B
[PH]

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

Civil Appeal No(s). 5942/2022

MOHANA KRISHNAN S **Appellant(s)**

VERSUS

K. BALASUBRAMANIYAM & ORS. **Respondent(s)**

[TO GO BEFORE THREE HON'BLE JUDGES]
IA No. 269598/2026 - INTERVENTION APPLICATION
IA No. 74546/2023 - INTERVENTION APPLICATION

WITH
C.A. No. 5943/2022 (XI-B)

SLP(C) No. 27634/2019 (XV)

SLP(C) No. 30192/2018 (IV-B)

SLP(C) No. 27706/2019 (IV-C)
IA No. 143763/2024 - STAY APPLICATION

SLP(C) No. 21860-21862/2022 (XII)
IA No. 144684/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 144685/2022 - EXEMPTION FROM FILING O.T.

SLP(C) No. 21406/2022 (III-B)

C.A. No. 4291-4292/2018 (IV)

SLP(C) No. 25542/2019 (IV-B)

SLP(C) No. 16628/2019 (IX)
I.R. 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

SLP(C) No. 19191/2024 (XIV)
I.A No.185056/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.185057/2024-EXEMPTION FROM FILING O.T. and IA No.185055/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Signature Not Verified
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SHIPRA KAPOOR
Date: 2026.01.27
16:51:11 IST
Reason:

SLP(C) No. 24278/2018 (IV-C)
FOR ADMISSION and I.R. and IA No.115503/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS
IA No. 115503/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

SLP(C) No. 17630/2025 (XI-B)
FOR ADMISSION

SLP(C) No. 5942/2026 (IV-C)

SLP(C) No. 12056/2026 (XII)

SLP(C) No. 189-190/2025 (IV-C)
IA No. 288101/2024 - EXEMPTION FROM FILING O.T.
IA No. 155948/2026 - EXEMPTION FROM FILING O.T.
IA No. 155947/2026 - STAY APPLICATION

SLP(C) No. 21066/2026 (IV-A)

SLP(C) No. 30681/2026 (XII)

IA No. 259514/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

SLP(C) No. 38041/2026 (IV-C)

Date : 26-11-2026 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE APARESH KUMAR SINGH

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For Respondent(s) : Mr. Chandrashekhar A. Chakalabbi- 2625, AOR

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Mr. Surya Kamal Jha, Adv.
Mr. Indrajeet Singh, Adv.

Mr. Dinkar Kalra- 1964, AOR

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Mrs. Supreeta Patil, Adv.
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UPON hearing the counsel the Court made the following

O R D E R

1. By an order dated 25.08.2022, a Two-Judge Bench has referred this matter to a larger Bench for consideration of the question mentioned therein. The said order is reproduced hereasunder:-

> ***"Leave granted.***
>
> ***Learned counsel for the insurance company relies upon two judgments of this Court reported as 2006 (4) SCC 404 and 2008 (7) SCC 428 to contend that a pillion rider on a motorcycle is not a third party, therefore, the insurance company is not liable to***

indemnify the insured on account of the injuries or death of such pillion rider.

The basis of the said argument is Indian Motor Tariff Endorsement No. 70, which is to the effect that in "Act Only" policy, the insured has to pay extra premium to cover the pillion rider.

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.

Therefore, the Registry to place the matter before Hon'ble The Chief Justice of India to constitute a larger bench to consider the question of law as mentioned above by an appropriate Bench."

2. Only yesterday, i.e. 25.11.2026, this Bench delivered a judgment in Civil Appeal No. 14679 of 2026, titled "*Sukumarbai and Ors. Vs. United India Insurance Company Ltd. And Anr.*" relating to the coverage under the "Act Only" policy.

3. The issue arising in the present matter is an offshoot/ancillary to the judgment delivered yesterday in the aforementioned case.

4. We have apprised the issue to the learned counsel(s) appearing for the parties. They have prayed for a week's time to examine the issue and make their respective submissions.

5. Let this matter be listed again as part-heard before this Bench on 02.12.2026.

6. Learned counsel(s) for the parties shall come up ready with the updated brief submissions on the next date of hearing.

(SHIPRA NARANG)
SENIOR PERSONAL ASSISTANT

(MANOJ KUMAR)
COURT MASTER (NSH)