

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 544 of 2008

Appellant :- Dasrath Singh And Another

Respondent :- United India Insurance Co.Ltd.And Another

Counsel for Appellant :- N.D.Shukla

Counsel for Respondent :- Vibhuti Narain

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the claimant/appellants and learned counsel for the respondents.
2. The present appeal has been filed by the claimant/appellants for enhancement of compensation.
3. Learned counsel for the appellants has contended that the tribunal has awarded only Rs.50,000/- as compensation under Motor Vehicles Act on the ground that the deceased was negligent in the accident.
4. Per contra, learned counsel for the respondents has contended that in the instant case, the claimant is owner of the vehicle i.e. UP66C/9124 and the deceased was son of the owner of the vehicle. It is submitted that the insurance company indemnifies the owner and unless the award is against the owner of the offending vehicle, the insurance company cannot be saddled with liability.
5. Be that as it may, under the scheme of Motor Vehicles Act, the insurance company indemnifies the insured for the negligence of insured or driver who is authorized by him to drive the vehicle.

6. In the instant case, since, the owner himself is claimant and therefore, there is no liability of the owner which the owner has to pay under the award and therefore, the insurance company is not liable to indemnify in the instant case. In such view of the fact, this Court is not inclined to interfere with findings of the tribunal.

7. Consequently, the appeal lacks merit and is **dismissed**.

Order Date :- 13.10.2023

SS