

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.18863 of 2012
Date of decision: 21.02.2015**

M/s IFFCO TOKIO General Insurance Co. Ltd.

... Petitioner

versus

Manju Bala and others

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajneesh Malhotra, Advocate
for the petitioner.

K.Kannan, J. (Oral

The petition is at the instance of the Insurance company disputing an award passed by the Permanent Lok Adalat. The claim had been lodged for enforcement of a personal accident insurance cover issued to the owner of the vehicle. The person that died in the accident was not the owner or the insured but his son, who had driven the vehicle. The Permanent Lok Adalat has allowed the claim and hence the writ petition.

The award is not legally tenable, for, a contract of insurance that allows for personal accident cover is personal to the insured and cannot be claimed by his son or anyone else otherwise than in the capacity as a legal representative of the insured himself. The liability for the insurer cannot be extended to any other person using the vehicle. Third party liability of the Insurer can arise only in situations which are governed under Section 147 of the Motors Vehicle Act. The personal accident cover ought not to have been extended to the son of the insured. The award is legally untenable and it is quashed.

The counsel points out that this Court has allowed for

withdrawal of the award on furnishing security. The petitioner will be entitled to enforce the security and recover the money if the money has been paid to the private respondents.

Writ petition is allowed on the above terms.

(K. KANNAN)
JUDGE

February 21, 2015
ps-l