

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

**FAO No. 4366 of 2009 (O&M)
Date of Decision: August 13, 2015.**

National Insurance Company Limited

.....APPELLANT(s).

VERSUS

Smt. Gurdeep Kaur and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashwani Talwar, Advocate
for the appellant (s).

Mr. Amit Jhanji, Advocate
for respondent No.3.

SURINDER GUPTA, J.

This first appeal against order (FAO) has been filed by National Insurance Company Limited challenging the award dated 28.05.2009 passed by Motor Accident Claims Tribunal, Amritsar.

The claim petition was filed by Gurdeep Kaur seeking compensation for the death of her son Gurpreet Singh alias Sonu in a motor accident on 28.07.2007, when he was going with Nishan Singh, Gurpreet Singh, Baljit Singh and other persons on tractor bearing registration No.HP-28-9324. The tractor was being driven by Satpal-respondent No.2. At about 3.30 pm, when the tractor was passing through the inclined path of village, it over-turned due to rash and negligent driving of its driver Satpal, resulting in

injuries to the occupants and death of Gurpreet Singh @ Sonu. The tractor was insured with the appellant.

The Tribunal after recording evidence allowed the compensation of ₹2,40,000/- to the claimant for the death of her son.

Learned counsel for the appellant has argued that the tractor is not a means of transport and is to be used only for agricultural purposes, as such, the owner of the tractor has committed breach of terms of insurance policy, thereby rendering him liable for reimbursement of the compensation paid in this case by appellant.

On perusal of the insurance policy (Ex.RX) placed on record, it has transpired that the appellant has not only taken the premium for the tractor/trailer but also for the owner, driver and three employees. The liability of the appellant to pay compensation in this case is attracted for the death of Gurpreet Singh @ Sonu-employee going on tractor at the time of accident.

No other point has been argued.

This appeal has no merits. Dismissed.

August 13, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE