

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

FAO No. 1232 of 2011 (O&M)
Date of Decision: 20.01.2015

Palwinder Kaur and others

....Appellants

Versus

Mohabatpal Singh and another

....Respondents

CORAM:HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present: Mr. Pardeep Rajput, Advocate
for the appellants.

Mr. Kushagra Mahajan, Advocate
for respondent No.1.

Mr. Harsh Aggarwal, Advocate
for respondent no.2.

MAHAVIR S. CHAUHAN, J. (ORAL)

Award dated 04.10.2010 passed by learned Motor Accident Claims Tribunal, Amritsar (for short 'the Tribunal') dismissing appellants' claim application is under challenge in this appeal brought by the unsuccessful appellants.

I have heard learned counsel for the parties.

Facts are not at in dispute. Still it may be recapitulated that on 19.11.2008 Kuldeep Singh son of the deceased was going towards his village Bhala on a motorcycle bearing registration No. PB18M-2135 which he had borrowed from respondent No.1 Mohabatpal Singh. At about 5.30 p.m. when he reached in front of Central Jail, Gumtala, Amritsar, an unidentified vehicle came from the opposite side and by passed the

motorcycle of Kuldeep Singh with such a great force that deceased lost his control over the motor cycle resulting into falling of the deceased and his wife on the road and he (Kuldeep Singh) dying instantaneously. The learned Tribunal on appraisal of pleading of the parties and evidence came to the conclusion that the deceased having borrowed the motor cycle from its owner had stepped into the shoes of the owner and as held by Hon'ble Supreme Court of India in "*Ningamma and another versus United India Insurance Co. Ltd. 2001(3) SCC 710*", his legal representatives were not entitled to claim compensation from the owner and insurer of the vehicle in question.

Nothing to the contrary could be shown during the course of hearing.

In view of the above, I am not inclined to interfere with the impugned award.

Dismissed.

No costs.

[MAHAVIR S. CHAUHAN]
JUDGE

20.01.2015
Pooja Saini