

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

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Date of decision-12.02.2016.

I. Civil Revision No.1213 of 2006 (O&M)

New India Assurance Co. Ltd.	..Petitioner
Vs.	
Raman and another	..Respondents

II. Civil Revision No.1214 of 2006 (O&M)

New India Assurance Co. Ltd.	..Petitioner
Vs.	
Sultan and another	..Respondents

III. Civil Revision No.1215 of 2006 (O&M)

New India Assurance Co. Ltd.	..Petitioner
Vs.	
Sharbati and another	..Respondents

CORAM:- HON'BLE MR. JUSTICE K.KANNAN

Present: Mr. Vinod Gupta, Advocate
for the petitioner.

K.KANNAN, J(Oral)

The appeal by the Insurance Company presents a simple issue of error of the Tribunal in allowing for compensation amount to be determined for death and injury of persons travelling in goods vehicle as gratuitous passengers. They were there to mourn the death of their relative and so carried. The persons evidently were not owners of the vehicle travelling along with the goods. The liability cast on the insurer is clearly wrong in the light of the judgment in **New India Assurance Company Limited Versus Asha Rani-(2003) 2 SCC 223.**

The award of the Tribunal is set aside.

If the amounts have already been recovered by the claimants, the right of recovery shall be applied by the insurer only against the owner and driver and not against the claimants. All the appeals are allowed to the above extent.

(K.KANNAN)
JUDGE

February 12, 2016

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