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

FAO No.38 of 1992 (O&M)

Date of decision:06.01.2016

Harish Chand and others

... Appellants

versus

Smt. Boti and others

.... Respondents

II. FAO No.39 of 1992 (O&M)

Sh.Harish Chand and others

... Appellants

versus

Smt. Mangti and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Neeraj Khanna, Advocate,
for the appellants.

Mr. Ashish Yadav, Advocate,
for Oriental Insurance Company.

K.Kannan, J. (Oral)

Both the appeals address the similar issue of whether the owner would be entitled to indemnity from the insurer for the damages resulting from the motor accident involving death or injuries to persons travelling in a goods vehicle. The counsel would refer me to the premium of insurance policy that registers the fact of

payment of additional premium of ₹ 30/- for covering the risk to the loadman. The loadman employed by the owner of the vehicle stands completely on a different footing to persons, who were qualified for being compulsorily required to be covered under Section 147 of the Motor Vehicles Act only by an amendment of Act 54 of 1994 that took effect on 14.11.1994. Before the said date, any person in a goods carriage even if he is the owner travelling along with the goods had no policy coverage. There is no argument that the persons that died or were injured were loadmen employed by the owner of the vehicle to claim indemnity. The liability cast on the owner and excluding the Insurance Company was, under the circumstances, justified. I will not find any reason to fault with the judgment for interference in appeal. Both the appeals are dismissed.

(K.KANNAN)
JUDGE

06.01.2016
sanjeev