

205.

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

Civil Revision No.2552 of 2009

Date of decision:02.03.2016

National Insurance Company Limited

... Appellant

versus

Harwinder Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Vandana Malhotra, Advocate,
for the appellant.

None for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. There is no representation for the respondents.
2. The appeal is by the insurer of the car in which the deceased was a passenger. The accident had taken place by a collision of a car with a truck. The truck owner or the insurer was not made a party and the claim was made only against the insurer of the car. Copy of the policy filed before the court below shows that it was an act policy which is another way of saying that it is for liability only. The passenger in the car cannot be covered under an

act only policy, for, there is no statutory requirement to cover the passenger in a private vehicle. The award passed against the insurer is set aside and the right of enforcement is available for the deceased only against the owner.

3. The amount deposited before this court is ordered to the refunded to the insurer. If any amount has already been recovered from the insurer by the claimants, the insurer, in the interest of justice, will enforce the recoveries against the insured and not against the claimants.

4. The appeal is allowed on the above terms.

(K.KANNAN)
JUDGE

02.03.2016
sanjeev