

755.

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

FAO No.7237 of 2010 (O&M)

Date of decision: 13.01.2016

Reliance General Insurance Limited

... Appellant

versus

Smt. Seema and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Subhash Goyal, 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. A claim under Section 163-A for a borrower of a motorcycle was denied by applying the judgment of the Supreme Court in **Ningamma and another Versus United India Insurance Company Limited-2009 AIR (SC) 3056.** The Tribunal, however, granted compensation at ₹1 lakh by invoking the personal accident cover. The personal accident cover is personal to the person in whose favour it is issued and cannot be made available to any other person or transferable. Consequently, the provision for ₹ 1 lakh is

set aside but the liability of the insurer is still restricted to ₹50,000/- with interest as awarded by applying the judgment in **Eshwarappa @ Maheshwarappa and another Versus C. S. Gurushanthappa and another-2010(8) Scale 263**. The award of the Tribunal is modified and the liability for the insurer is restricted to the amount as mentioned above.

2. The appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

13.01.2016
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