

212.

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

FAO No.2614 of 2013 (O&M)

Date of decision:05.02.2016

Neera Devi and others

... Appellants

versus

Raksha Devi and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Vinod Bhardwaj, Advocate,
for the appellants.

None for the respondents.

K.Kannan, J. (Oral)

1. A claim was brought by the representatives of a borrower of a vehicle. The claim was dismissed.

2. The argument is that there was a personal accident cover. The personal accident cover will only be personal to the owner and it is not transferable. The only benefit that the representatives of the deceased can take is to apply for compensation on no fault under Section 140 of the Motor Vehicles Act on the ground that the death had happened by the use of an insured's vehicle in the light of the decision of the Supreme Court in

Eshwarappa @ Maheshwarappa and another Versus C. S.

Gurushanthappa and another-2010(8) Scale 263. The insurer's

liability will be restricted to ₹ 50,000/- with interest at 9% from the date of petition till date of payment.

3. The award is modified and the appeal is allowed only to the above extent.

(K.KANNAN)
JUDGE

05.02.2016
sanjeev