

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

FAO No. 4619 of 2013 (O&M)
Date of decision: April 12, 2016

Shri Ram General Insurance Company Limited

...Appellant

Versus

Smt. Shobha and others

...Respondents

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

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Ms. Kaavya Jariyal, Advocate, for
Mr. TK Joshi, Advocate,
for the appellant.

Mr. Nitin Mittal, Advocate,
for respondent No. 7.

Mr. Sukhdarshan Singh, Advocate,
for respondent No. 8

K. KANNAN, J. (Oral)

A breach of terms of policy yielded to an award against the insurer with a right of recovery against the owner and the driver. The case has been rested on revisiting the issue of pay and allowances through judgments in National Insurance Company Limited Versus Parvathneni and another 2009 (8) SCC 785. The law is too established to have any doubt in the mind of this Court. The statement of law is best expounded in the judgment of India Assurance Company Shimla Versus Kamla and others in

2001 (4) SCC 342. The proposition of law expounded in Kamla was reiterated in National Insurance Company Limited Versus Swaran Singh 2004 (3) SCC 297, making a specific reference to Section 149 (4) and Section 149 (5) of the Motor Vehicles Act. There is no error for intervention. The appeal is dismissed.

April 12, 2016
prem

(K.KANNAN)
JUDGE