

In the High Court of Punjab and Haryana at Chandigarh

**FAO- 1224 of 2016(O&M)
Date of Decision: 29.11.2018**

Smt. Roshni and another

---Appellants

versus

National Insurance Company Limited

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Shubhakar Baweja, Advocate
for the appellants**

Rekha Mittal, J.

The claimants are in appeal against award dated 16.9.2015 passed by the Motor Accidents Claims Tribunal, Kurukshetra whereby application under Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”) for grant of compensation on account of death of Jaspal in a motor vehicular accident that took place on 14.1.2013, was dismissed primarily on the ground that deceased himself was registered owner of the vehicle in question on the date of occurrence and obtained the insurance policy as such. The insurance company is not liable to indemnify the legal heirs of insured for injury or death of the insured himself unless there is a special contract covering risk of injury or death of injured, on payment of extra premium.

Counsel for the appellants has failed to point out if there was

any such special contract between the insured and the insurance company under which claim made by unfortunate parents of deceased Jaspal can be allowed. In this view of the matter, I find myself unable to differ with findings of the Tribunal negating plea of the appellants for grant of compensation qua death of Jaspal, out of use of motor cycle Bajaj Discover bearing Chasis No. 50623 Engine No. 65104.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

(Rekha Mittal)
Judge

29.11.2018

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No