

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

FAO No. 6589 of 2017 (O&M)

Date of decision: 28.11.2018

Suman Devi and others

....Appellants

VERSUS

National Insurance Co. Ltd.

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Shalender Mohan, Advocate for the appellants.

REKHA MITTAL, J.(Oral)

Claimants are in appeal seeking enhancement of compensation on account of death of Jagdish in a motor vehicular accident that took place on 13.03.2012.

The application for compensation has been filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act'). Jagdish himself was owner of the vehicle out of use whereof, he sustained injuries that proved fatal. The Motor Accidents Claims Tribunal, Hissar has awarded compensation of Rs.2 lakhs by enforcing contractual liability between the insured and insurer on payment of additional premium covering Personal Accident of owner and driver. As per the settled position in law, legal heirs of owner/insured cannot be indemnified by the insurance company for death of insured. In this view of the matter, I do not find an error much less illegality in findings of the Tribunal that would call for intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

NOVEMBER 28, 2018
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No