IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.6699 of 2017 (O&M)
Date of decision:26.09.2018.

IFFCO TOKIO General Insurance Company Ltd.

...Appellant

Versus

Smt. Rajo Devi and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Yogesh Gupta, Advocate for the appellant.

LISA GILL, J.

This appeal has been filed by the Insurance Company challenging the award dated 30.05.2017 passed Motor Accident Claims Tribunal, Jind (`Tribunal' for short).

The claimant, who is the mother of the deceased, filed a petition under Section 163-A of the Motor Vehicles Act seeking compensation on account of the death of her son Parveen, who lost his life in a motor vehicle accident, which took place on 03.11.2013 while he was driving motorcycle bearing temporary number PB-13AC-(T)/5645, which was insured with the appellant-Company. FIR No.336 dated 03.11.2013 was registered under Sections 279, 304-A and 337 IPC against an unknown driver of the offending canter. It was averred that the deceased at the time of his death was 21 years old. He was unmarried at that time. He was doing agricultural work, earning Rs.3000/- per month. Compensation was thus prayed for.

The learned Tribunal has awarded a sum of Rs.50,000/- only along with interest @ 7.5% per annum from the date of filing the petition till realization under `No Fault Liability' under Section 140 of the Act. Aggrieved therefrom, present appeal has been filed.

Learned counsel for the appellant argues that as per the terms and conditions of the insurance policy, the Insurance Company cannot be held liable to pay even Rs.50,000/- as compensation. It is contended that the deceased was not the owner of the motor-cycle and even the owner would not be covered in terms of the policy because as per the terms and conditions of the policy, it is only the driver who is covered.

I have heard learned counsel for the appellant and have gone through the file.

As per policy Ex.R1, the Insurance Company has received Rs.1038/- from its registered owner, including own damage premium. In this situation, the learned Tribunal has awarded a sum of Rs.50,000/- only under `No Fault Liability' under Section 140 of the Act. Learned counsel for the appellant is unable to point out any illegality in the impugned award. Reference can gainfully be made to the judgment of the Hon'ble Supreme Court in Eshwarappa @ Maheshwarappa Vs. C.S. Gurustanthappa and another 2010 AIR SC 2907.

Keeping in view the facts and circumstances as discussed above, I do not find any infirmity, illegality or perversity in the impugned award dated 30.05.2017, which may warrant any interference by this Court in this appeal filed by the Insurance Company.

This appeal is accordingly dismissed.

(LISA GILL)
JUDGE

September 26, 2018
Ishwar

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No