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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2019.05.21 16:24
I attest to the accuracy and
authenticity of this document

FAO-514-1999 (O/M)

Date of decision : 17.5.2019

New India Assurance Co. Ltd.

..... Appellant

Versus

Lalita Devi and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Neeraj Khanna, Advocate,
for appellant.

Mr. G.S. Jaswal, Advocate,
for respondents.

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KULDIP SINGH J. (ORAL)

The insurance company has filed this appeal against awarded dated 5.11.1998, passed by Motor Accident Claims Tribunal, Ambala, vide which compensation to the tune of Rs. 7,32,000/- was awarded in favour of claimants-respondents. Deceased Om Parkash in this case was pillion rider on scooter. Appeal has been pressed only on the ground that it was “one time act only policy” and pillion rider was not covered under said compensation.

I have heard learned counsel for parties and have also carefully gone through file.

Perusal of policy shows that on top, “one time act only policy” was written, but in policy, it is mentioned that seating capacity is two and net premium is Rs. 279/- plus Rs. 14/-. The insurance company has not explained on which account Rs. 14/- were charged in addition to act only policy.

The learned counsel for appellant has relied upon authority in United India Insurance Co. Ltd. Versus Tilak Singh and others JT 2006 (4) SC 280, delivered by Hon'ble Supreme Court of India, to press that pillion rider is not covered under act only policy. However, I am of view that in this case, extra premium was charged while noting that seating capacity of two wheeler is two. Therefore, I hold that pillion rider is also covered under said policy. There is no illegality or infirmity in impugned award. Consequently, appeal is dismissed.

(KULDIP SINGH)
JUDGE

17.5.2019
sjks

Whether speaking order	:	Yes / No
Whether reportable	:	Yes / No