

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

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FAO-637-2009 (O&M)
Date of Decision : 02.09.2019

Harjit Singh

.... Appellant

Versus

Roop Ram and others

.... Respondents

2.

FAO-638-2009 (O&M)

Harjit Singh

.... Appellant

Versus

Malkiat Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Vineet Chaudhary, Advocate
for the appellant.

Mr. Ishan Cooner, Advocate
for respondent No.1.

Mr. Ashwani Talwar, Advocate
for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

The owner Harjit Singh has filed the above titled two appeals against award dated 02.09.2008 passed by Motor Accident Claims Tribunal, Ambala (for short- 'the Tribunal') holding him liable to make payment of compensation of Rs.2,26,200/- to respondents No.1 and 2 against the death of Maya Devi in FAO No.637 of 2009 and Rs.25,700/- to respondent No.1 in FAO

No.638 of 2009 against injuries suffered by Malkiat Singh in a motor vehicular accident, occurred with the vehicle bearing registration No.HR-37B-7375 owned by Malkiat Singh.

Briefly, in the evening of 12.06.2006, Maya Devi and Malkiat Singh, while travelling in the aforesaid vehicle, driven by Balwinder Singh-performa respondent, met with an accident. Maya Devi succumbed to her injuries on the way to hospital whereas Malkiat Singh got medical treatment for his multiple grievous injuries. Resultantly, Malkiat Singh and legal heirs of Maya Devi filed their respective claim petitions under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act').

After holding trial, learned Tribunal awarded compensation to the claimants in the manner aforesaid vide impugned consolidated award dated 02.09.2008.

Learned counsel for the appellant contends that the policy obtained by the appellant for his aforesaid offending vehicle was comprehensive. Therefore, learned Tribunal ought not to have exonerated liability of Insurance Company.

On the other hand, learned counsel for the Insurance Company refuting the above submission, pleaded legality and validity of the impugned award.

Having given thoughtful consideration to the rival submissions, this Court finds that the instant appeals merit dismissal for the reason to follow.

The Division Bench of this Court in **New India**

Assurance Company vs. Santra Devi and others, 2006(4) RCR

(Civil) 316 has held that in case, driver and owner of vehicle carry gratuitous passenger, the insurer would not be liable to pay compensation.

No contrary law has been cited by learned counsel for the appellant. Since, the offending vehicle was being plied in utter violation of terms and conditions of insurance policy, therefore, this court is not inclined to differ with the finding of the learned Tribunal.

Both the appeals are dismissed.

September 02, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No