In the High Court of Punjab and Haryana at Chandigarh

FAO- 1230 of 2014(O&M)
Date of Decision: 1.5.2019

Satpal

---Appellant

versus

Captan Singh and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Amardeep Sheoran, Advocate
for the appellant
Mr. R.N.Singal, Advocate,
for respondent No. 2

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<u>Rekha Mittal, J.</u>

Challenge in the present appeal has been directed against award dated 7.10.2013 passed by the Motor Accidents Claims Tribunal, Rewari (in short "the Tribunal") whereby compensation has been assessed on account of injuries sustained by the appellant, detailed hereunder:-

Compensation on account of expenses for getting medical treatment which includes hospitalization charges, expenses in purchasing medicines etc.	Rs. 88,166/-
Compensation on account of pain and suffering, special diet, transportation, loss of income etc.	Rs. 20,000/-
Compensation on account of disability to the extent of 25%	Rs. 50,000/-

However, the appellant has been allowed compensation of Rs. 1,00,000/- by enforcing the special contract covering risk of injury or death of insured (appellant herein) on payment of extra premium.

Counsel for the insurance company would inform that the appellant is owner of vehicle No. HR-47M-0047 insured with National

Insurance Company Limited-respondent No. 2. It is argued that on payment of special premium of Rs. 100/-, risk of injury or death of insured is covered to the limited extent of Rs. 1,00,000/- and accordingly, the Tribunal has allowed compensation to the extent of Rs. 1,00,000/-.

Counsel for the appellant has not disputed the factual findings recorded in para 17 of the award and so also contention raised by counsel for the insurance company. He would further apprise the court that claim has been preferred under Section 163-A of the Motor Vehicles Act, 1988 (in short “the Act”). In a claim under Section 163-A of the Act, only owner and insurer, if any, of the vehicle involved in the occurrence are to be impleaded on the array of respondents. Keeping in view the above, the appellant cannot assert his claim for fastening liability upon the insurance company to pay compensation more than Rs. 1,00,000/-, allowed by the Tribunal.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

1.5.2019
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No