

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

**FAO-3531-2015 (O&M)**  
**Date of decision: 26.11.2019**

Shri Ram General Insurance Company Limited

...Appellant

Versus

Badri Singh and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present:- Mr. Rajbir Singh, Advocate,  
for the appellant.

Mr. Abhishek Yadav, Advocate,  
for respondents No.1 & 2.

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**RITU BAHRI, J. (ORAL)**

This is an appeal that has been filed by the Insurance Company against the award dated 16.10.2014 which was passed on account of death of Anoop by the Motor Accident Claims Tribunal, Rewari.

Learned counsel for the appellant-Insurance Company states that an award was passed by the Motor Accident Claims Tribunal, Rewari with regard to the same accident, wherein the claimants were Shakuntla and others and compensation on account of death of Rambir was awarded to the tune of ₹ 15,05,000/- and in the award the liability to pay the compensation was made to owner and driver of the offending vehicle.

A perusal of paragraph 31 of the said award, reveals that the

deceased was travelling as a gratuitous passenger in goods vehicle and the risk of gratuitous passenger was not covered by the Insurance policy. As per the Insurance Policy Ex.R-9, "*no extra premium for coverage of risk of passenger is paid by the insured*". This award has attained finality in FAO No. 4809 of 2014 decided on 13.09.2014 before this Court as the matter was settled before Lok Adalat on 26.10.2016 and the said appeal was disposed of in view of the compromise effected before the Lok Adalat.

Keeping in view the finding given by Tribunal with respect to the same accident and the insurance policy Ex. R-9 which is not in dispute, the instant appeal is allowed and keeping in view the fact that deceased was going on foot along road side and no premium had been paid by the insured for these passengers and the award dated 16.10.2014 passed by the Tribunal with respect to payment of compensation is being modified to the extent that the liability to pay compensation shall be of the owner and driver of the offending vehicle.

The statutory amount of ₹ 25,000/- be released to the Insurance Company.

Appeal stands disposed of accordingly.

**(RITU BAHRI)**  
**JUDGE**

**26.11.2019**

*Satyawan*

Whether reasoned/speaking? Yes

Whether reportable? No