IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5182 of 2015 (O&M)
Date of Decision: November 07, 2019

Dinesh Kumar ...... Appellants(s)

Versus

Sangeeta and another ..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. S.K. Yadav, Advocate
for the appellant.

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LISA GILL, J.

This appeal has been filed by the claimant-appellant being aggrieved of award dated 26.11.2014, passed by learned Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal).

The appellant filed a claim petition under Section 163-A of the Motor Vehicles Act, 1988 claiming compensation on account of the injuries sustained by him in the motor vehicle accident, which took place on 25.04.2014, due to the use of the vehicle i.e. motorcycle bearing registration No. HR-43A-8598. It is pleaded that the claimant was proceeding on the above said motorcycle from Mohindergarh to his village and when he reached near village Khayra, a herd of cows suddenly appeared on the road and while seeing to avert a collision with them, the motorcycle accidently collided with another vehicle bearing registration No. HR-99RYT-5137. It is pleaded that the accident took place out of the use of motorcycle bearing registration No. HR-43-A-8598. Compensation of Rs.10,00,000/- was claimed on account of injuries suffered by the appellant.

Learned Tribunal observed that the appellant though not a registered owner of the motorcycle in question, had borrowed the motorcycle and therefore, had stepped into the shoes of the registered owner. While relying upon the judgments of Hon'ble Supreme Court in ***Oriental Insurance Company Ltd. Vs. Rajni Devi and others 2008 ACJ 1441*** and a judgment of Hon'ble Bombay High Court in ***United India Insurance Co. Ltd. Vs. Sunanda and others 2007 ACJ 1715***, dismissed the claim petition while observing that the insurance company cannot be asked to pay compensation and to indemnify the insurer himself and specially when the same is not covered by the insurance policy.

Therefore, keeping in view the facts and circumstances of the case, there is indeed no ground what-so-ever to interfere in the impugned award dated 26.11.2014, passed by the learned Tribunal.

No other argument has been addressed.

Appeal is accordingly dismissed with no order as to costs.

(LISA GILL)
JUDGE

November 07, 2019.

Sunil

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No