

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

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FAO-5717-2015 (O&M)
Date of decision: 28.08.2019

KAUSHALYA DEVI AND ANR

... Appellants

Versus

HAKAM SINGH AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Ms. Ekta Thakur, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 07.05.2015 passed by the Motor Accidents Claims Tribunal, Panchkula whereby application for grant of compensation on account of death of Shyam Lal @ Rinku in a motor vehicular accident while driving motorcycle bearing No.HR03-M-7642 has been dismissed as the deceased was held to be borrower of motorcycle from its owner, therefore, the insurance company being not liable to pay compensation in view of the ratio laid down by Hon'ble the Supreme Court in **Ningamma and another Vs. United India Insurance Co. Ltd., 2009(13) SCC 710.**

The claimants also cannot derive advantage of special contract covering the risk of injury or death of owner/driver when examined in the light of judgment of this Court **Sajida and others Vs. Sabnam and another, 2018 ACJ 1110.** In this view of the matter, I do not find an error much less illegality in the impugned award.

For the foregoing reasons, finding no merit, the appeal fails and is dismissed in limine.

28.08.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No