

FAO- 8078 of 2016(O&M)
Date of Decision: 27.2.2019

Gurdeep Kaur and another

---Appellants

versus

Ramesh Kumar and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Arun Sharma, Advocate
for the appellants

Rekha Mittal, J.

The present appeal directs challenge against award dated 18.1.2016 passed by the Motor Accidents Claims Tribunal, Ambala (in short "the Tribunal") whereby compensation to the tune of Rs. 50,000/- under 'No Fault Liability' has been awarded in regard to death of Jagmeet Singh in a motor vehicular accident that took place on 5.6.2015.

The Tribunal, in para 13 of the award, has concluded that the car in question was being driven by Jagmeet Singh (since deceased) owned by his friend and accident had not taken place due to involvement of any other vehicle. By relying upon judgment of Hon'ble the Apex Court **Ningamma and another vs. United India Insurance Company Limited 2009(3) RCR (Civil) 435** and of this Court **M/s Reliance General Insurance Company vs. Ranit and another FAO No. 6704 of 2010 decided on 24.3.2015**, it was held that as Jagmeet Singh was not registered owner of the vehicle in question, therefore, claimants cannot derive any

advantage of a special contract under the policy covering accident of owner and driver and accordingly the claimants were awarded Rs. 50,000/- under 'No Fault Liability'.

I have gone through the award and the judgments referred to by the Tribunal but find unable to differ with findings of the Tribunal that the claimants are not entitled to derive benefit of special contract between the insured and the insurance company qua P.A. Cover for owner and driver in order to assert their claim for grant of compensation to the extent of Rs. 2 lakhs. In this view of the matter, I do not find an error much less illegality in findings of the Tribunal on issue No. 2 and the same are accordingly affirmed.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

27.2.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No