

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

**FAO No.3845 of 2018
Date of Decision: 07.02.2019**

Nanhi Devi and others

Appellants

Versus

Narender Kumar and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.S. Nain, Advocate
for the appellants.

Mr. Sanjeev Kodan, Advocate
for respondent No.2.

AVNEESH JHINGAN, J (Oral):

This is an appeal against the award dated 01.11.2017 passed by the Motor Accident Claims Tribunal, Sonapat [for brevity 'the Tribunal'].

Brief facts of the case are that a motor vehicular accident took place on 22.08.2016. The said accident proved fatal for Neeraj. He was driving the motor cycle bearing registraton No. HR-42E-2108 which was owned by Narender Kumar (respondent No.1). A claim petition under Section 163-A of the Motor Vehicles Act, 1988 [for brevity 'the Act'] was filed. The said claim petition was dismissed

by the Tribunal relying upon the decision of the Supreme Court in case of **Ningamma and another Vs. United India Insurance Co. Ltd., 2009 (13) SCC 710**. As the deceased was a borrower of the motorcycle, it was held that compensation under Section 163-A of the Act cannot be awarded to a borrower of vehicle.

Learned counsel for the appellants raised only one issue i.e. compensation under 'no fault liability' has not been awarded by the Tribunal under Section 140 of the Act.

Learned counsel for the insurer could not dispute the fact that the motorcycle was duly insured at the time of accident.

Keeping in view the provision of Section 140 of the Act, ₹50,000/- are awarded to the claimants for 'no fault liability', to be paid by the insurer.

Disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

February 07, 2019
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes/ No |
| 2. Whether reportable | : | Yes/ No |