

**In the High Court of Punjab and Haryana, at Chandigarh**

**F.A.O. No. 476 of 2021 (O&M)**

**Date of Decision: 27.09.2021**

National Insurance Company

... Appellant(s)

Versus

Kavita and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. R.C.Gupta, Advocate  
for the appellant.(s).

**Anil Kshetarpal, J.**

**CM-7090-CII-2021**

1. Application is allowed, as prayed for. Record policy of insurance is taken on record as Annexure A-1.

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2. Late Sh. Mohan has lost his precious life in an automobile accident. As per the case of the claimants, late Sh. Mohan was driving the vehicle after borrowing it from Kamal Sharma. The motorcycle skidded from the road resulting in his death. The learned counsel representing the appellant contends that the deceased was neither a registered owner nor an insured driver. Therefore, the appellant-insurance company could not be made liable to pay the amount of compensation.

3. It has been noticed that the Motor Accident Claims Tribunal, Panipat, has awarded a sum of ₹1,00,000/- to the widow and two minor

children under Section 163A of the Motor Vehicles Act, 1988. The owner of

the vehicle had purchased a comprehensive policy.

4. Keeping in view the aforesaid facts, this Bench is not inclined to interfere. The learned counsel representing the appellant submits that a legal issue is involved in the present case.

5. The aforesaid legal issue, if any, is kept open for adjudication. The judgment passed by the Motor Accident Claims Tribunal shall not be treated as a precedent.

6. With the observations made above, the present appeal is disposed of.

7. The miscellaneous application(s) pending, if any, shall also stand disposed of.

**(Anil Kshetarpal)**  
**Judge**

**September 27, 2021**  
**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No