# IN THE HIGH COURT OF JUDICATURE AT BOMBAY NAGPUR BENCH AT NAGPUR

## FIRST APPEAL NO.551 OF 2022

[Smt. Seema wd/o Nakul Charmode and others .vs. United India Insurance Company Limited and others]

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| Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders | Court's or Judge's orders |
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Shri Sagar Thakkar, Advocate for the appellants,
Shri C.A. Anthony, Advocate for R-1.

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CORAM : SMT. M.S. JAWALKAR, J.
DATE : 26/08/2022.

Heard the learned counsel for the parties.

2. Present appeal is filed challenging the judgment and award dated 26/02/2020 passed by the learned Member, Motor Accident Claim Tribunal, Nagpur in Claim Petition No.753/2017, whereby the petition was dismissed on the ground that the claimants are the dependents of owner of the vehicle and has no other vehicle involved in the accident, except the vehicle on which the owner of vehicle is travelling.

3. Brief facts of the case are as under :

The deceased, who was the owner of the vehicle, while driving of the said vehicle, met with an accident and died. There was no other vehicle involved in the accident. The short question involved in this case is, whether Tribunal is justified in rejecting the claim of the petitioner on the ground that he is not covered with the policy. The record and proceedings were called in this matter.

4. On perusal of the policy, the insurance company denied its liability on the ground that there is no premium paid for cover of driver-owner. On perusal of the policy, it is very well clear that amount of Rs.50/- accepted towards compulsory PA for owner-driver. The policy also specifically states that "personal accident covers for owner-driver of Rs.1,00,000/-". As such, learned Tribunal ought to have granted compensation to the extent of Rs.1,00,000/- in terms of the policy.

5. In view thereof, the judgment and award dated 26/02/2020 passed by the learned Member, Motor Accident Claim Tribunal, Nagpur in Claim Petition No.753/2017 is liable to be quashed and set aside. The appeal is allowed. The respondent-Insurance Company is liable to pay compensation of Rs.1,00,000/- to the petitioners/appellants along with 7.5% interest per annum from the date of accident till its realisation. The respondent-insurance company is directed to deposit the amount within four weeks from today in this Court. On such deposit of amount of compensation, claimants are at liberty to withdraw the same. Appeal is disposed of accordingly.

[Smt. M.S. Jawalkar, J.]

Signed By:ABHIMANYU
SHANKARRAO GULANDE
Personal Assistant
High Court Nagpur
Signing Date:30.08.2022 16:00

Gulande