

Sr. No.215

Date of Decision : August 21, 2023

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killed. Since he was travelling in the goods vehicle, so, owner and driver of the said vehicle are liable to pay the amount of compensation and there was no liability on the part of Insurance Company to pay the amount of compensation.

4. This appeal, filed by Amarjit Singh-the owner of Truck No.PIL 5345, is simply on the ground that the learned Tribunal has wrongly held that the Insurance Company is not liable to pay the compensation amount. It is submitted that Sarvjit Singh was not an unauthorized passenger. He was travelling with his own goods. So, he cannot be considered as gratuitous passenger. The Insurance Company is only liable to pay compensation.

5. I have heard submissions of learned counsel for the appellant and perused the case file. No one has put in appearance on behalf of the respondents.

6. Admittedly, Sarvjit Singh was travelling in the goods vehicle owned by the appellant. No evidence had been led during trial of the case to show that Sarvjit Singh was travelling with his goods and had any authority to travel in the said vehicle. It is not a case that Insurance Policy included a compulsory cover to owner of the goods along with the goods. In such circumstances, learned Tribunal has rightly held that the owner and driver are liable to pay the compensation and Insurance Company is not liable for the same. On almost similar facts, in a judgment passed by a Co-ordinate Bench of this Court in **National Insurance Co. Ltd. vs. Asha Rani – Law Finder Doc Id # 474049**, it is held that the liability cast on the Insurance

Company was certainly not possible in view of the law laid down by Hon’ble Supreme Court in New India Assurance vs. Asha Rani – (2003) 2 ACC 233.

7. In the case in hand, there is no evidence that Sarvjit Singh was owner of the goods and he was travelling with his goods in the vehicle. There is no evidence that he was having any authority to travel in goods vehicle. The policy of Insurance does not cover such person. The learned Tribunal has rightly held that the Insurance Company is not liable to pay compensation.

8. In view of the above discussion, the present appeal, being devoid of any merit, is hereby dismissed. Parties are left to bear their own costs.

9. Pending applications, if any, shall stand disposed of along with this judgment.

August 21, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.