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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 197/2021, CM APPL. 17543/2021 (stay)**

RELIANCE GENERAL INSURANCE CO LTDAppellant

Through: Mr. A K Soni, Advocate.

versus

SH VIRENDER & ORS.

.....Respondents

**Through: Mr Avinash Sharma with Ms.
Akanksha Kapoor, Advocates for
Respondent No. 1.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

20.11.2024

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1. An Appeal has been filed on behalf of the Insurance Company/Appellant challenging the impugned Award dated 19.02.2021 on the sole ground that the Claimant was a gratuitous passenger in the offending vehicle, which was a goods vehicle bearing No. DL-1LS-4009.
2. It is asserted that he being a gratuitous passenger, was not covered by the Insurance Policy and no liability could have been imposed on the Insurance Company for payment of compensation.
3. Submissions Heard.
4. It would be pertinent to refer to the observations made by the learned Tribunal wherein a reference has been made to the cross-examination of PW-1, Mr., Virender, the Claimant, who deposed in his cross-examination that he had been working at *Santa Fe Moving Services Pvt. Ltd.* since 2013 as an Office boy and has been getting a salary from the said Company. He further admitted that Mr. Pankaj Singh (owner of the offending vehicle) was



not his employer. He further clarified that he had gone to visit some client and he was sitting in the vehicle No. DL 01 LS 4009 (Eicher Truck) on his way back.

5. Reference has also been made to the DAR wherein it has been mentioned that the offending vehicle was attached with *Sante Fe Moving Services Pvt. Ltd.* and that the Manager of the said Company along with the owner had gone to the Police Station in response to the Notice under Section 133 of the Motor Vehicle Act and had got the vehicle released on *superdari*. It was therefore, concluded that, from the evidence, it was proved that the victim, Mr. Virender, was travelling with Mr. Umesh Chaudhary, not as a gratuitous passenger.

6. As per the Insurance Policy, driver and two persons are allowed to travel in the offending vehicle and both the injured were the employee of *Sante Fe Moving Services Pvt. Ltd.*, with which the offending vehicle was attached.

7. The learned Tribunal, therefore, rightly concluded that the injured persons were not the gratuitous passengers and the Insurance Company was held liable to pay the compensation.

8. There is no infirmity in the observations of the learned Tribunal. The Appeal is, therefore, without merit and is hereby dismissed.

9. The statutory amount be released to the Insurance Company.

10. The Appeal is disposed of accordingly.

NEENA BANSAL KRISHNA, J

NOVEMBER 20, 2024/RS