

2025:PHHC:145678



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FAO-616-2003

BALJIT KAUR V/S THE NEW INDIA ASSURANCE CO.LTD. & ORS

Present: Mr.Naveen Sharma, Advocate
for the appellant.

Mr.Ravinder Arora, Advocate and
Mr.Imran Ali Almed, Advocate
Ms.Charanjit Kaur, Manager
for the New India Assurance Company.

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Learned counsel for the appellant has supplied a photocopy of the paper book which is taken on record.

It having pointed out by learned counsel for the appellant that an appeal against the award of the learned MACT was also filed by the Insurer of the offending vehicle and particulars were searched on the DMS from where order dated 16.09.2010 has been downloaded. Operative part of the order dated 16.09.2010 reads as under:-

“The award of the Tribunal is set aside and the matter is remitted to the Tribunal for consideration of the liability of the insurer in terms of the judgment of the Hon’ble Supreme Court referred to above and particularly in terms of the policy to find whether there is a valid insurance to a driver of an insured’s motor cycle. If there had been a cover for such risk, insurer will undoubtedly be liable. If it was merely an Act Policy, the driver cannot be treated as a third party and the driver being the son could also not be termed as a workman to whom the Workmen’s Compensation Act would apply. The Tribunal will take a decision on the basis of the policy details.”

In view of the above, the appeal does not survive and is accordingly disposed of as having become infructuous.

Needless to say that plea of the claimants shall also be taken into consideration and decided by the learned Tribunal.

(M.S. CHAUHAN)
PRESIDENT

(MAHENDER SINGH)
MEMBER

16.10.2025

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