

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.756 of 2013 (O&M)

DATE OF DECISION: February 27, 2013

ORIENTAL INSURANCE CO. LTD.

...APPELLANT

VERSUS

BALJIT KAUR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL.

1. Whether the judgement should be reported in the digest? No

PRESENT: MR.ASHWANI TAIWAR, ADVOCATE FOR THE APPELLANT.

M.JEYAPPAUL, J.(ORAL)

1. The only point that is canvassed by the counsel for the appellant-Insurance Company is whether the L.R.s of the deceased son of the owner of the offending vehicle can make any claim under the personal accident cover taken by the owner of the vehicle.

2. Now it is a trite law that where premium for personal accident for the owner-cum-driver has been paid, the L.R.s of the driver or the injured-driver who becomes the owner of the vehicle on stepping into the shoes of the owner of the vehicle for all practical purposes under Section 163A of the Motor Vehicles Act are entitled to claim compensation from the insurance company under the personal accident cover. (Refer to the decisions of this Court in *New India Assurance Company Ltd. vs. Umesh Kumari and others*, 2010(1) Punjab Law Reporter 675 and *New India Assurance Co. Ltd. vs. Karamjit and others*, FAO No.7088 of 2011 dated 14.2.2013).

3. In view of the above settled position of law, I find that there is no force in the submission made by the learned counsel appearing for the appellant-Insurance Company. As a result, the appeal stands dismissed.

February 27, 2013
Gulati

(M.JEYAPPAUL)
JUDGE