
(2008) 11 SHI CK 0009
In the High Court Of Himachal Pradesh

National Insurance Company	Vs	APPELLANT
Smt. Sushma Devi and Others		RESPONDENT

Date of Decision : 17-11-2008

Acts Referred:

Motor Vehicles Act, 1988 — Section 163A

Citation : (2009) ACJ 1901 : (2009) 1 ShimLC 251

Hon'ble Judges : Surjit Singh, J;R.B. Misra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Surjit Singh, J.—Appellant, National Insurance Company, is aggrieved by the award, dated 14.10.1999, passed by the Motor Accident Claims Tribunal, whereby allowing a petition, u/s 163-A of the Motor Vehicles Act, filed by respondents Sushma Devi and others, dependents of deceased Suram Singh, a sum of Rs. 2,81,500, together with interest, has been awarded as compensation and the appellant has been ordered to pay the aforesaid amount of money together with interest.

2. Admitted facts are that deceased Suram Singh was employed as a driver by respondents M/s. Guru Travels, to drive their car No. DL-IV-1743. While driving that car, Suram Singh (deceased), died in accident of that car, on 5.3.1996. Petition was filed, u/s 163-A Motor Vehicles Act, by dependents of Suram Singh, claiming compensation. It was alleged that Suram Singh's monthly income was to the tune of Rs. 3,000 and that his age was 25 years. Prayer was opposed by the present appellant inter-alia on the ground that Suram Singh himself was responsible for causing the accident and, hence, his dependents were not entitled to any compensation.

3. The only ground, on which the award has been challenged in the present appeal, is that Suram Singh himself being negligent and the accident having taken place because of his negligence, his dependents are not entitled to any

compensation.

4. We have heard the learned Counsel for the appellant as also the learned Counsel representing the respondents.

5. A Division Bench of this Court in Smt. Kokla Devi v. Chet Ram and Anr. 2002 (1) SLC 204, has held that a person, on account of whose negligence accident takes place, is also entitled to compensation and that in case that person dies, his dependents can seek compensation, by pressing into service the provision of Section 163-A of the Motor Vehicles Act.

6. Hon"ble Supreme Court in Deepal Girishbhai Soni and Others Vs. United India Insurance Co. Ltd., Baroda, has held that Section 163-A of the Motor Vehicles Act covers cases where even the negligence is on the part of the victim. In view of this categorical declaration of law by the Hon"ble Supreme Court, contention raised on behalf of the appellant cannot be accepted. Consequently, the appeal is dismissed.

7. Appeal stands disposed of.