

(2013) 07 P&H CK 0407
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 5095 of 2009 (O and M)

The New India Assurance Company Limited	APPELLANT
Vs	
Paramjit Kaur and Others	RESPONDENT

Date of Decision : 22-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0407

Hon'ble Judges : Nawab Singh, J

Bench : Single Bench

Advocate : Raj Kumar Bashamboo, for the Appellant; Hardeep Singh, Advocate for respondent No. 1 and Mr. Naveen Sharma, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Nawab Singh, J.—This appeal has been filed by the New India Assurance Company Limited (for short 'the insurer') against the Award dated July 24, 2009 passed by Motor Accident Claims Tribunal, Rupnagar (for short 'the Tribunal'). By impugned Award, the Tribunal awarded an amount of Rs. 3,27,000/- to claimant - Paramjit Kaur, mother of Satpal Singh (deceased) aged 23 years (bachelor), a worker-labourer by occupation, along with interest at the rate of 6% per annum from the date of filing of the claim application till its realisation.

2. On March 30, 2007, Satpal Singh while travelling in Truck No. PB-12J-2025 owned by Gurmukh Singh, driven by Ranjit Singh in a rash and negligent manner, met with an accident in the area of Nurpur Bedi, District Ropar. He suffered multiple injuries and was admitted in Parmar Nursing Home, Ropar. He succumbed to his injuries on June 18, 2007. Daily Diary Report (DDR) No. 11 was registered in Police Station Nurpur Bedi.

3. Learned counsel for the Insurer--appellant has assailed the Award on the ground that the deceased was a gratuitous passenger in the truck, so the Insurer is not liable to indemnify the owner of the truck.

4. Paramjit Kaur in her claim application and in the evidence led by her pleaded

that her son Satpal Singh was working on the truck as a labourer and at the time of accident, he was on the truck to take "Gatka" (Gravel). The owner of the truck filed written statement admitting that Satpal Singh was a worker on his truck. Ranjit Singh, driver of the truck also appeared in the witness box as PW2 and deposed that Satpal Singh was worker on the truck when it met with the accident. Evidence of Paramjit Kaur and Ranjit Singh is corroborative with the contents of DDR No. 11, registered in Police Station Nurpur Bedi. It was categorically mentioned in the DDR that Satpal Singh was travelling in the truck as a worker. The Insurer has not led any evidence to prove that he was gratuitous passenger, except, pleading so in the written statement filed by it.

5. The Insurance Policy (Annexure P-1) envisages that six employees working on the truck were covered under the Policy. In view of this, there is no scope for interference in the impugned award. Hence, appeal is dismissed.