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Bimla Vs. Mela Ram and Another

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Court : Punjab and Haryana

Decided On : Jan-31-2014

Appellant : Bimla

Respondent : Mela Ram and Another

Judgement :

FAO-1945-2011 -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH FAO-1945-2011 Date of decision: 31.01.2014 Bimla ...Appellant Versus Mela Ram and another ...Respondents CORAM: HON'BLE Mr.JUSTICE JITENDRA CHAUHAN Present: Mr.PK Rohilla, Advocate, for the appellant.

Mr.Ashwani Talwar, Advocate, for the Insurance Company.

-.- JITENDRA CHAUHAN, J.

The present appeal has been filed by the claimant- appellant against the impugned award dated 21.10.2010, passed by the learned Motor Accident Claims Tribunal, Karnal, ('the Tribunal', for brevity).The learned counsel for the appellant contends that the deceased borrowed the vehicle from the owner-respondent No.2, therefore, the claimant is entitled to compensation as the deceased stepped into the shoes of the owner.

He refers to the insurance policy, Ex.R-2, and states that additional premium of Rs.50/- was Sethi Atul 2014.02.13 18:23 I attest to the accuracy and integrity of this document Chandigarh FAO-1945-2011 -2- paid to cover personal accident of

owner-driver.

On the other hand, the learned counsel for the Insurance Company contends that the appellant is entitled to Rs.1,00,000/- as personal accident cover for owner-driver, as the deceased stepped into the shoes of the owner.

I have heard learned counsel for the parties and perused the paper book.

In view of the submissions made by the learned counsel for the parties, the claimant-appellant is held entitled to the compensation amount of Rs.1,00,000/-, as indicated above, which shall be payable within a period of 45 days from the date of receipt of a certified copy of this judgment, failing which, she shall also be entitled to interest as indicated in the award i.e.7.5% per annum, from the date of filing the present appeal, till its realization.

With the aforesaid modification in the impugned award, the present appeal is partly allowed.

31.01.2014 (JITENDRA CHAUHAN) atulsethi JUDGE Note : Whether to be referred to Reporter : Yes / No.Sethi Atul 2014.02.13 18:23 I attest to the accuracy and integrity of this document Chandigarh

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