2025:AHC:178194

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 2339 of 2025

National Insurance Co. Ltd.

.....Appellant(s)

Versus

Smt. Sunita And 4 Others

.....Respondent(s)

Counsel for Appellant(s) : Radhey Shyam
Counsel for Respondent(s) :

AFR

Court No. - 38

HON'BLE SANDEEP JAIN, J.

1. The instant appeal under Section 173 of the Motor Vehicles Act, 1988 has been preferred by the insurer of vehicle Truck No. UP-82-T-3450 against the impugned judgment and award dated 24.06.2025 passed by the Motor Accident Claims Tribunal, Etah, whereby compensation of Rs.2,00,000/- alongwith interest @ 7% per annum has been awarded in favour of the legal heirs of the deceased Prem Narayan, who succumbed to injuries sustained in an accident that occurred on 05.07.2016 and died on 07.07.2016.

2. Learned counsel for the Insurance Company submitted that a very short legal question is involved in this appeal. Learned counsel submitted that the owner of the Truck No. UP-82-T-3450 Prem Narayan was himself driving the truck at the time of the alleged accident, as such, he was not covered under the terms and conditions of the insurance policy, but the Tribunal has ignored this fact and has allowed the claim petition by awarding compensation of Rs.2,00,000/- to the legal heirs of the deceased owner, which is erroneous and is liable to be set aside.

3. I have heard learned counsel for the Insurance Company and perused the impugned judgment and documents submitted alongwith the appeal.

4. The Apex Court in the case of ***Ramkhiladi and another vs. United India Insurance Company and another (2020) 2 SCC 550***, has held that where an accident was caused due to the negligence of the owner of the

vehicle and a claim under Section 163-A of the Motor Vehicles Act is made and if, premium has been collected by the Insurance Company towards the insurance of Owner-Cum-Driver of such vehicle, then the Insurance Company is liable to indemnify the legal heirs of such deceased owner as per the contract of insurance.

5. It is apparent that in the instant case, the insurance policy was a package policy in which the Insurance Company collected a premium of Rs.100/- towards personal insurance of the Owner-cum-Driver of the vehicle and in lieu of it, it has covered a risk of Rs.2,00,000/-, which is the same amount which has been awarded by the Tribunal in the instant case, which cannot be said to be erroneous.

6. According to the claimants, who are heirs of deceased owner Prem Narayan, who was himself driving Truck No. UP 82-T-3450 on the date of accident which occurred on 05.07.2016 at about 10:00 p.m. in village Thanapur, P.S. Narbai, District Allahabad when suddenly, the brakes of the truck failed, causing it to collide from behind with a stationary vehicle, resulting in grievous injuries to its owner, Prem Narayan, who succumbed to his injuries during treatment on 07.07.2016. After his death, his legal heirs filed the present claim petition.

7. In view of the above facts, the Tribunal has not erred in allowing the claim petition and awarding compensation of Rs.2,00,000/- to the legal heirs of deceased Prem Narayan according to terms and conditions of the Insurance Policy.

8. In view of the aforesaid facts, there is no merit in this appeal and is liable to be dismissed at the admission stage.

9. The appeal is hereby ***dismissed*** at the admission stage.

10. The impugned judgment and award of the Tribunal is affirmed.

11. Office is directed to remit back the statutory deposit made by the Insurance Company to the Tribunal concerned, forthwith.

(Sandeep Jain,J.)

October 8, 2025
Jitendra

Digitally signed by :-
JITENDRA KUMAR PATEL
High Court of Judicature at Allahabad