

United India Insurance Company Ltd. Vs Bhuran and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 11, 1989

Citation: (1990) 1 ACC 437

Hon'ble Judges: S.S. Sodhi, J

Bench: Single Bench

Judgement

S.S. Sodhi, J.

The impugned Award of the Motor Accident Claims Tribunal granting Rs. 1,00,000/- as compensation to the widow and children of Kali Ram deceased, who was killed when his tractor was involved in an accident with the truck HYF-2377 coming from the opposite

direction, warrants no interference in appeal. The said accident occurred on the Jhajjar-Rohtak Road on April 3, 1982. It was the finding of the

Tribunal that the accident had been caused entirely due to the rash and negligent driving of the truck-driver.

2. The short point raised in appeal is with regard to the liability of the Insurance Company for payment of the entire amount, awarded as

compensation to the claimants. The plea sought to be put-forth on behalf of the Insurance company being that its liability is limited to Rs. 50,000/-

A reference to the return filed on behalf of the Insurance Company would show that no plea had been raised therein to the effect that its liability

was limited to Rs. 50,000/- nor does the copy of the Insurance Policy on record show any limitation in its liability.

The law is now well-settled that if the offending vehicle is shown to be insured, the liability of the Insurance Company would extend to the entire

amount awarded unless a specific plea is raised by the Insurance Company to the effect that its liability is limited and this limitation is expressly

stated in the policy of insurance brought on record. Neither of these conditions stand fulfilled here. No occasion is thus provided for holding that

the liability of the Insurance Company does not extend to the entire amount awarded.

This appeal is consequently hereby dismissed. In the circumstances, however there will be no order as to costs.