

S.B. CIVIL MISC. APPEAL NO.1483/2016

Date of Order :: 15.07.2016

HON'BLE MR. JUSTICE ARUN BHANSALI

Mr. Jagdish Vyas, for the appellant.

Learned counsel for the appellant while referring to the judgment of Hon'ble Supreme Court in the case of *Ningamma & Anr. v. United India Insurance Company Limited : (2009) 13 SCC 710* submits that as per the admitted case of the parties, the deceased had borrowed the vehicle from the owner and, therefore, the application for compensation under Section 163A of the Motor Vehicles Act, 1988 was not maintainable.

In view of the submissions, admit. Issue notice. Issue notice of stay application as well.

In the meanwhile and until further orders, the execution of the award impugned qua the appellant Insurance Company shall remain stayed.

(ARUN BHANSALI), J.

A.K. Chouhan/-

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