

REPORTABLE**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO. 3905 OF 2013****Daulat Ram**

...Appellant (s)

Versus

**National Insurance Company Ltd.,
Branch Manager And Ors.**

...Respondent (s)

ORDER

Heard learned counsel for the parties.

This appeal is directed against the judgement and order, dated 09.09.2005, passed by the High court of Himachal Pradesh in FAO No. 504 of 2000, whereby the High Court set aside the award passed by the Motor Accident Claims Tribunal, Bilaspur and allowed the appeal filed by the respondent herein.

It is an admitted case of the appellant that the deceased Prem Lal was travelling on the tractor owned and driven by the appellant-Daulat Ram and the deceased Prem Lal died due to the negligence of the owner-cum-driver of the tractor, when he fell off the tractor. The claimants filed a petition for compensation from the respondent no. 1 as well as the present appellant.

In ***New India Assurance Co. Ltd. v. Asha Rani and Ors.***, AIR 2003 SC 607, ***Oriental Insurance Co. Ltd. V. Brij Mohan and Ors.***, AIR 2007 SC 1971, this Court has clearly laid down that the insurance company herein is not obligated to pay the compensation, as the deceased was an onerous passenger on the tractor in violation of the terms of the insurance policy.

In light of the aforesaid settled position, we see no reason to interfere with the impugned judgment; this appeal is, accordingly, dismissed.

.....J.
(**N. V. RAMANA**)

.....J.
(**PRAFULLA C. PANT**)

New Delhi,
Dated : 18th July, 2017

ITEM NO.101

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 3905/2013

DAULAT RAM

Appellant(s)

VERSUS

NATIONAL INSURANCE COMPANY LTD. BRANCH MANAGER

Respondent(s)

Date : 18-07-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE PRAFULLA C. PANTFor Appellant(s) Mr. Rajesh Gupta, Adv.
Mr. Harpreet Singh, Adv.
Mr. Ajay Choudhary, AORFor Respondent(s) Mr. Parmanand Gaur, AOR
Mr. Rajiv Das, Adv.
Mr. Deepak Jyoti Ghadiyal, Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeal is dismissed in terms of the signed order.
Pending applications, if any, shall stand disposed of.(SHASHI SAREEN)
AR CUM PS(S. SIVARAMAKRISHNA)
ASST.REGISTRAR

(Signed reportable order is placed on the file)