SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>AO/270/2014</u> The Oriental Insurance Company Limited --Petitioner **Versus** Smt. Basu Devi and Others --Respondents **<u>Hon'ble Alok Mahra, J.</u>** Mr. I.P. Kohli, learned counsel for the petitioner/Insurance Company. 2. Despite service being personally effected upon the respondents, none appears on their behalf. 3. The present Appeal from Order has been preferred challenging the judgment and award dated 24.03.2014, passed by the learned Motor Accident Claims Tribunal/District Judge, Tehri Garhwal, in M.A.C. No. 18 of 2013, Smt. Basu Devi and Others vs. The Oriental Insurance Company Limited and Another, whereby an award of Rs.3,25,000/- has been passed in favour of the claimants. 4. Learned counsel for the appellant submits that the accident in question did not involve any other vehicle and, therefore, the same was not a third-party accident. It is contended that the deceased was covered under a Personal Accident Insurance Scheme, under which the maximum liability of the appellant-Insurance Company was limited to Rs.2,00,000/-. 5. Learned counsel for the appellant further submits that the learned Tribunal itself had recorded a finding that the claim was covered under the Personal Accident Insurance Scheme and had awarded a sum of Rs.2,00,000/- towards loss of income. However, apart from the said amount, the learned Tribunal proceeded to award a

further sum of Rs.1,00,000/- towards loss of consortium and Rs.25,000/- towards funeral expenses. According to learned counsel for the appellant, once the claim was held to be covered under the Personal Accident Insurance Scheme, the learned Tribunal could not have awarded any amount beyond the maximum coverage of Rs.2,00,000/-.

6. Learned counsel for the appellant, in support of his submissions, has placed reliance upon the judgment of the Hon'ble Apex Court in the case of National Insurance Company Limited vs. Ashalata Bhowmik and Others, reported in (2018) 9 SCC 801.

7. Having considered the submissions advanced by learned counsel for the appellant and having perused the record, this Court finds that the accident did not involve any other vehicle and, therefore, the claim in question was not a third-party claim. The deceased was covered under the Personal Accident Insurance Scheme, wherein the maximum liability of the appellant-Insurance Company was restricted to Rs.2,00,000/-.

8. In view of the aforesaid, the learned Tribunal, having found the claim to be covered under the Personal Accident Insurance Scheme, could not have awarded an amount in excess of the maximum sum assured under the said policy.

9. Accordingly, the judgment and award dated 24.03.2014, passed by the learned Motor Accident Claims Tribunal/District Judge, Tehri Garhwal, in M.A.C. No. 18 of 2013, is modified to the extent that the claimants shall be entitled to a total compensation of Rs.2,00,000/- only.

10. The Appeal from Order stands disposed of in the aforesaid terms.

(Alok Mahra, J.)
11-09-2026

SB SHIKSHA BINJOLA