

PGDM-IBM, 2017-19  
Sub.: Motor-II (Third Party)  
Paper Code: INS-505

Trimester-V, End Term Examinations: December-2018

Time Allowed : 2½ hrs.

Roll No.: \_\_\_\_\_

Marks: 50

**Instruction:** Students are required to write Roll No. on every page of the question paper. Writing anything except the Roll No will be treated as **Unfair Means**. All other instructions on the reverse of Admit Card should be followed meticulously.

Sections	No. Of Questions to attempt	Marks	Marks
A	3out of 5 (Short Questions)	5 marks each	3*5 = 15
B	2out of 3 (Long Questions)	10 marks each	2*10 = 20
C	Compulsory Case Study	15 marks	15

**Section-A**

- A1 In EC Act , What is the liability of the insurance company? Is there any statutory liability on the insurance company to pay interest under the EC Act,1923 ?
- A2 Can an agent duly authorized by the person injured or all or any of the legal representatives of the deceased, as the case may be, stake claim in MACT? Who are the other people who can claim?
- A3 There is some defenses available to an insurance company or the defendant as the case may be . Bur barring one, no other defense shall have any effect once the policy has been issued in accordance with 3 of 147.What is that defense –explain with an adequate example.
- A4 Describe the features of No Fault Liability.
- A5 Elucidate the concept Impleading insurer in certain cases.

**Section-B**

- B1 Mr. Lalit is the owner in possession of an Auto-Rickshaw registered as a Public Carrier and duly insured under a Comprehensive Motor Policy from 01/01/2005 to 31/12/2005. He engaged one Mr. Dasarath as the driver of the said Auto-Rickshaw who used to carry passengers on hire. Suddenly, on 23/03/2005 at about 7 a.m. police had recovered the dead body of Mr. Dasarath near NIA, Pune. In the course of investigation, it was revealed that Mr. Dasarath was last seen on the previous night i.e. 22/03/2005 at about 7 p.m. at the Pune Rly. Station, and carrying some unknown passengers in his Auto -Rickshaw. Thereafter he was not seen till his dead body was recovered. The Auto-Rickshaw was also found missing. Accordingly police registered a case u/s 379 & 302 IPC for the theft of the Auto-rickshaw and murder of Mr. Dasarath by unknown person. Theft claim of the Auto-Rickshaw was settled by the Insurance Company. Legal heirs of Mr. Dasarath filed an application claiming compensation under the provisions of the M. V. Act before Pune MACT. The claim was opposed by the Insurance Company on the ground that it is not a case of death due to accident arising out of the use of the motor vehicle but a case of murder.

**Issues:** Whether death by murder can be construed as an accident? Whether murder for theft of the vehicle can be construed as 'death arisen out of the use of the Motor Vehicle? Whether the claim for compensation maintainable under W. C. Act or under M. V. Act ?

B2 Why was Section 163 A inserted in MV Act ? How was it structured ? What is the current status?

B3 What are the requirements and limits set by Section 147?

### Section-C

#### Both Cases Compulsory:-

**Case-1:** Death of a person aged about 45 years working as a Manager, with a Pvt. Company earning around Rs.4,40,000/- per annum as under :

Salary : Rs.3,60,000/- it included Rs. 40,000/- income tax ;

Income from agriculture land Rs. 40,000/-

Income from HUF Rs. 40,000/-

In Addition ,there is yearly contribution of Rs.1,00,000/- towards PF and Rs. 30,000/- towards gratuity. He was survived by his widow and 2 children aged 17 & 15 years.

#### Issues

1. Factors to be considered for calculation of the income.
2. Calculate the compensation based on multiplier formula.
3. Calculate the compensation based on Unit formula.
4. Calculate the compensation based on future prospective formula.

#### Case-2:

- Mahesh a young professional based at Delhi, while traveling in his car in January 2018 a dashed against taxi, near Agra causing grievous injury to the occupants/passengers of both the vehicles .
- The driver of the Taxi is a resident of **Surat** whereas Mahesh a resident of **Raipur**.
- The taxi is registered with Mumbai RTO.
- The Insurance of the Car was issued at **Delhi**.
- The insurance of Taxi was issued at Pune
- One passenger who sustained grievous injury was from Firozabad.

#### Issues :

- Places where the application can be filed.
- In case it is found that Mahesh was a resident of **Gurgaon** when the accident took place but subsequently migrated to **Aurangabad** where he was staying at the time the claim application was filed?