

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.10149 of 2014 (O&M)

Date of Decision.23.12.2015

Manpreet Singh and another

.....Appellants

Vs.

Simranjeet Kaur

.....Respondent

Present: Mr. Akshay Jain, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

C.M. No.27199-CII of 2015

For the reasons stated in the application, order passed by this Court on 17.12.2015 is recalled and the appeal is restored to its original number.

Application is allowed.

FAO No.10149 of 2014

1. Delay of 108 days in refiling the appeal is condoned.
2. The owner of vehicle who had no insurance which is compulsorily required to be done had involved his vehicle in an accident resulting in injury to a lady who was pillion rider in the vehicle driven by her husband. The counsel argues that the vehicle in which the claimant was travelling was itself responsible and that was the reason how the appellant's vehicle had been pushed to be driven to the farthest end of the road after collision.

3. If there were to be an accident involving collision, there ought to be surely a case of composite negligence as far as the pillion rider is concerned and she was entitled to proceed against any one of the owners of the vehicle. If one of the owners was her own husband, it was fair enough that she proceeded against yet another vehicle which was responsible for the accident. Even apart from this, the appellant who had been guilty of not taking an insurance for vehicle he was bound to insure and caused injury to a third party must be answerable for the claim and I am loathe to interfere with the decision for modifying award that has been passed. If the appellant has any case against the owner of the vehicle which was involved in the accident in which the injured was travelling, he may, if he so chooses to do, bring an independent action and the Court will decide whether there was negligence on the part of the claimant's husband as well and in such an independent suit, any decision taken by this Court as regards the exclusive negligence of the appellant's driver will not be held out against him.

4. The appeal is dismissed but with the above observations.

(K. KANNAN)
JUDGE

December 23, 2015
Pankaj*