IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1324 of 1998 (O&M)
Date of decision: 25.01.2016

Pritam

... Appellant

versus

Ram Kishan

.... Respondent

2. FAO No. 503 of 1999 (O&M)

M/s Raj Steel Industries

... Appellant

versus

Pritam and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashit Malik, Advocate for the appellant.

Mr. Ravi Gakhar, Advocate for
Mr. Jagdish Manchanda, Advocate for respondent No.3.

Mr. R.C. Gupta, Advocate for respondent No.4.

K.Kannan, J. (ORAL)

The appeal is against the award allowing for compensation against the owner driver and exonerating the Insurance Company on the ground that the was a gratuitous passenger in the goods vehicle. There is no scope for modifying the award to make Insurance Company pay when there was no policy of insurance to cover the risk of a gratuitous passengers. Pay and recover principle cannot apply except in situation where there had been violation of terms of policy in the manner contemplated in Section 149 (2). The appeal is dismissed.

The appeal by the owner also cannot survive favourable considerations since the owner ought to take the consequences of the

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wrong doing of the driver in taking a gratuitous passengers in the goods vehicle. He cannot expect any indemnity from the insurer in such a situation.

The appeal by the owner is also dismissed.

(K.KANNAN)
JUDGE

25.01.2016
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