

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**FAO NO. 5203 OF 2005 (O&M)
DECIDED ON : 25.04.2016**

Chetan Dass

...Appellant

versus

Gurdeep Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

- 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 ?**

Present : Ms. Amanpreet Kaur, Advocate for
Mr. H. N. S. Gill, Advocate,
for the appellant.

Mr. D. P. Gupta, Advocate,
for the respondent.

AJAY TEWARI, J. (ORAL)

Service upon legal heirs of respondent No.3 (driver)
has not been effected.

Learned counsel for the appellant points out that the
said respondent had been proceeded against ex parte even
before the Tribunal and the appellant is not seeking any relief
against him and is seeking relief against the Insurance Company
only which is being represented.

In these circumstances, the appellant is exempted from bringing on record the legal heirs of respondent No.3 (driver).

This appeal has been filed against the Award of Tribunal whereby recovery rights have been given to respondent No.4-Insurance Company. For this reason, reference to the detailed facts of the accident would not be required. Suffice it to say that the tractor-trolley was insured for agricultural purposes as per the policy and the driver-Baljit Singh admitted during his testimony that at the time of accident, he was carrying paddy husk from M/s Amarjit Rice Mills, Jamalpur, Ludhiana to New Plywood Company. The Tribunal came to the conclusion that the tractor-trolley was being used for commercial purposes and not for agricultural purposes and consequently, granted recovery rights to the Tribunal.

In my opinion, no fault can be found with the Award passed by the Tribunal. Consequently, the appeal is without any merit and the same is dismissed.

(AJAY TEWARI)
JUDGE

APRIL 25, 2016
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