

232.

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

FAO No.3001 of 2015 (O&M)

Date of decision:26.05.2016

Krishan Kumar and others

... Appellants

versus

Devender Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ram Pal Verma, Advocate,
for the appellants.

Ms. Vandana Malhotra, Advocate,
for respondent No.3.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The appeal is by the owner and driver against the indemnity denied to them on the ground that the other vehicle in which the deceased was travelling was a gratuitous passenger. As far as the insured was concerned, the person injured was a third party and it is irrelevant that he was a gratuitous passenger in yet another vehicle. The Insurance Company could not have been exonerated. The order is wrong and it is set aside. The Insurance Company shall be liable to make the payment. The award has been assessed by the

Tribunal. A copy of this order is directed to be sent to the particular Presiding Officer by name, so that he does not commit the egregious error which he has committed in this judgment.

2. The appeal is allowed on the above terms.

3. The amount, which has been deposited by the appellants before this court, is ordered to be refunded to them.

(K.KANNAN)
JUDGE

26.05.2016
sanjeev