

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

FAO No.5362 of 2016 (O&M)

Date of decision : 25.10.2016

Bhim Singh

.....Appellant

Versus

Tara Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present : Mr. Pulkit Dagar, Advocate for
Mr. Rajesh Lamba, Advocate for appellant.

DARSHAN SINGH, J.

CM-18433-CII-2016

There is delay of 720 days in re-filing the present appeal. The appellant has filed an application under Section 151 of the Code of Civil Procedure, 1908 for condonation of delay.

Heard on the application.

In view of the reasons mentioned in the application, same is allowed and the delay of 720 days in re-filing the present appeal is hereby condoned.

FAO No.5362 of 2016

The present appeal has been preferred by appellant Bhim Singh (respondent No.1 in the claim petition), the driver of the tractor bearing registration No.HR-30A-1640 against the award dated 16.04.2014 passed by

the learned Motor Accidents Claims Tribunal, Palwal (hereinafter called the “Tribunal”), vide which respondents No.1 and 3 (claimants in the claim petition) have been awarded compensation to the tune of Rs.2,80,000/- on account of death of their daughter Kumari Simla in the motor vehicular accident which took place on 09.12.2007. Appellant Bhim Singh the driver and respondent No.2 Dinesh Kumar the *superdar* of the vehicle have been held jointly and severally liable for payment of the amount of compensation.

2. The present appellant has been preferred by appellant-driver Bhim Singh to challenge his liability.

3. I have heard learned counsel for the appellant and have gone through the paper-book meticulously.

4. Learned counsel for the appellant contended that appellant Bhim Singh was only the driver of the vehicle. The owner should have been held liable for payment of the amount of compensation as Bhim Singh was having a valid driving licence.

5. I have duly considered the aforesaid contentions. The same are totally devoid of merits.

6. As per the finding of the learned Tribunal the appellant has caused this accident by driving tractor bearing registration No.HR-30A-6040 in a rash and negligent manner. So, he was the person who has caused the accident. The learned Tribunal has held the present appellant being the driver and respondent No.2 Dinesh Kumar being the owner of the vehicle jointly and severally liable for payment of the amount of compensation. This fact is not disputed that the vehicle in question was not insured. So, the fact

that the licence of the appellant was valid or not, is of no legal consequence. Thus, the learned Tribunal has not committed any illegality in holding the appellant-driver along with the owner of the vehicle jointly and severally liable for payment of the amount of compensation. Consequently, the present appeal has no merits and the same is hereby dismissed.

25.10.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No