

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

FAO No. 4731 of 2018
Date of Decision:02.08.2018

Mukhtiar SinghPetitioner

Vs.

Kulwinder Singh and anotherRespondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Amandeep Singh Manaise, Advocate,
for the appellant.

AMOL RATTAN SINGH, J. (Oral)

By this appeal the owner of the vehicle that was involved in the accident on 12.04.2016, the said vehicle being an Alto car bearing registration no. PB-05R-8997, has challenged the impugned award of the learned Motor Accident Claims Tribunal, Fazilka, essentially on the ground that despite the driving licence of the appellant herein having been found to be a valid driving licence on the day of the accident and the insurance policy issued by respondent no.2, i.e. The Oriental Insurance Company Ltd., in favour of the appellant also being a valid policy on that date, the appellant has been held jointly and severely liable, alongwith the insurance company, to pay compensation to the claimants.

The contention of Mr.Manaise is that as a matter of fact it should have only been the insurance company, i.e. respondent no.2 herein, held liable to pay the compensation.

That contention is rejected in view of the fact that it is primarily the driver and owner of the vehicle involved in the accident who are jointly and severally liable with respect to any damages/compensation to be paid in respect of such an accident, with the insurance company that has insured the vehicle, (if the insurance policy is valid and otherwise enforceable as per the terms and conditions thereof), to be held jointly liable only as the indemnifier of such liability cast upon the owner of the vehicle, i.e. the insured.

Consequently, this petition is disposed of with the direction that subject to any objections that the insurance company may raise in any execution proceedings instituted by respondent no.1/other claimants, the joint and several liability of the appellant alongwith respondent no.2 would be construed to be indemnified by respondent no.2, with the company to pay the compensation to the extent it has been ordered to by the Tribunal vide the impugned order.

(AMOL RATTAN SINGH)
JUDGE

August 02 2018.

dharamvir/dinesh

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO