

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

LPA No. 1312 of 2018 (O&M)

Date of Decision: 29.08.2018

Raman Kumar

.....Appellant

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Binat Sharma, Advocate, for the appellant.

KRISHNA MURARI, C.J.(oral)

This intra court appeal under Clause X of the Letters Patent has been filed by the appellant-petitioner challenging the order dated 06.08.2018 dismissing the writ petition filed by him seeking a mandamus to command the respondents to indemnify for the damages suffered by him on account of keeping his tanker engaged by not unloading the contents therein. A further direction has also been sought to command the respondents' authorities to specify the place where the appellant-petitioner can unload his tanker immediately within three days.

2. Admittedly, there was no contract between respondent No.2 and the appellant-petitioner and the handling and transport contract of respondent No.2 was with respondent Nos. 6 and 7. Since the tanker of the appellant-petitioner was provided by respondent Nos. 6 and 7 under the contract with them, thus if the tanker remained stranded and any loss has been caused on account of that, respondent No.2 cannot be held liable for the same.

3. In view of the undisputed facts of the case, we find no illegality in the view taken by the learned Single Judge in holding that the remedy of the appellant-petitioner, if any, lies with respondent Nos. 6 and 7 and because of the disputed questions of fact involved with respect to existence of an agreement between the appellant-petitioner and respondent No.2, it was open for him to approach the Civil Court by filing a civil suit for damages. Thus, the impugned order passed by the learned Single Judge does not require any interference.

The appeal is accordingly devoid of merits and stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

29.08.2018
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√