

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

202

FAO-2963-2003 (O&M)

Date of decision: 18.09.2019

JASWANT SINGH

... Appellant

Versus

SOM NATH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep Bansal, Advocate for the appellant.

Mr. Vinod Gupta, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 07.03.2003 passed by the Motor Accidents Claims Tribunal, Hoshiarpur whereby compensation has been assessed on account of death of Chanan Ram in a motor vehicular accident that took place on 12.08.2001.

The sole submission made by counsel for the appellant is that insurance company has wrongly been exonerated of liability to pay compensation on the ground that the deceased was a gratuitous passenger in the trolley attached with the tractor. He would argue that wooden logs belonging to the appellant were being transported in the trolley attached with the tractor. The deceased was engaged as a labour by the appellant, therefore, since he was sitting in the trolley that was transporting wooden logs belonging to the appellant, insurance company cannot escape liability despite the tractor being duly insured with the insurance company.

The Tribunal has held that the deceased was a gratuitous passenger carried in the trolley attached with the tractor. Jaswant Singh, owner of tractor was himself driving the tractor at the relevant time. There is nothing on record suggestive of the fact that trolley was insured with the insurance company. He cannot be heard to say that since deceased Chanan Ram was sitting with the goods belonging to the owner as his representative, therefore, the insurance company is wrongly exonerated of liability to pay compensation. In this view of the matter, findings of the

Tribunal exonerating insurance company of liability to pay compensation cannot be faulted with.

No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

18.09.2019

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No