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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO No.840 of 2018 (O&M)
Date of Decision: 13.02.2019

Sanjay Kumar

Appellant

Versus

Vinod and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Jai Singh Yadav, Advocate
for the appellant.

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AVNEESH JHINGAN, J (Oral):

The award dated 07.10.2017 passed by the Motor Accident Claims Tribunal, Rewari [for brevity 'the Tribunal'] has been assailed by driver of motorcycle bearing registration No. HR-26X-2596 [hereinafter referred to as 'offending vehicle'].

Brief facts of the case are that on 23.09.2015, Vinod-claimant (respondent No.1) was going on motorcycle to Arawali Filling Station. On his way, he was hit by a rashly and negligently driven offending vehicle, driven by appellant. As a result of the impact, Vinod sustained injuries and he was admitted to Aditya Hospital, Rewari. FIR No.99, dated 15.04.2015 was registered at Police Station, Khol.

A claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act']. The Tribunal after considering the facts and appreciating the evidence adduced held that the accident was caused due to the rash and negligent driving of the offending vehicle. The Tribunal awarded a sum of ₹4,60,578/- alongwith interest @ 7.5% per annum. In the proceedings, the driver of the offending

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motorcycle failed to produce his Driving Licence. The Tribunal held that the driver and owner of the offending vehicle shall be liable to pay the compensation.

Learned counsel for the appellant contends that even if the driver was not holding a valid Driving Licence at the time of accident, Tribunal should have held appellant liable only to pay 50% of the amount and rest for 50% amount, the owner should have been made liable.

The contention raised by learned counsel for the appellant lacks merit. The claimant cannot be made to run from pillar to post for recovery of compensation under a welfare legislation. The liability to pay the compensation is joint and several. Ratio in which compensation is to be paid by driver and owner of the offending motorcycle is *inter-se* matter between the parties.

No shadow can be cast upon findings recorded by the Tribunal holding driver and owner of the offending vehicle jointly and severally liable to pay the compensation.

The appeal is dismissed.

Statutory deposit of ₹25,000/- be sent to the Tribunal for disbursement to the claimant.

[AVNEESH JHINGAN]
JUDGE

February 13, 2019
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1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No

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