

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MAC No. 1003 of 2014Shyam Kunvar **Versus** Kamta Prasad and Ors

10.08.2020	Mr. Pallav Mishra, Advocate for the Appellant. Mr. Atul Kumar Kesharwani, Advocate for Respondent 1 and 2. Mr. Dashrath Gupta, Advocate for Respondent 3. Shri Atul Kumar Kesharwani, learned counsel for respondents No.1 & 2 submits that respondent No.1 (driver of offending vehicle) died during the pendency of this appeal. Learned counsel for the appellant submits that as owner of offending vehicle is impleaded as respondent No.2 and the vehicle was insured with respondent No.3/Insurance Company, he submits that respondent No.1(driver) was engaged as only a 'driver' by respondent No.2 (owner). Respondent No.2 is held liable for the act of respondent No.1 (driver), being owner of offending vehicle and the employer of respondent No.1, he submits that, he may be permitted to delete the name of respondent No.1 (driver) from the array of the cause title of memo of appeal. The liability to pay the amount of compensation in cases of Motor Vehicle Act, 1988 is upon the owner of the offending vehicle and the Insurance Company. Owner is vicariously liable for all the act of driver, which he committed in performing his duties. For the foregoing reasons, we permit the appellant to delete the

Pawan	name of respondent No.1 from the array of the cause title. Cause title of the appeal be corrected accordingly. With the consent of the parties, appeal is heard finally, order passed separately. Sd/- (P.R. Ramachandra Menon) Chief Justice Sd/- (Parth Prateem Sahu) Judge
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