

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 714 of 2020

Date of Decision: 14.01.2020

Panjay Roadways Transport Corporation, i.e. Pepsu Road Transport Corporation (PRTC)

.....Appellant

Vs.

Dhananjay Dubey and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Anupam Singla, Advocate,
for the appellant.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the appellant submits that with the driver of the appellant-corporation in any case not having been made a party to the claim petition, no negligence at all was held to be that of the driver of the bus owned by the corporation, as per the finding recorded on issue no. 1 by the learned MACT in the impugned Award, but thereafter, while granting relief to the respondent-claimant, in paragraph 19 of the Award, it has been held that “all the respondents have been made liable to pay the compensation, jointly and severally. However, respondent no. 3 shall indemnify the petitioner”.

Hence, this appeal has been filed because the appellant-corporation had been arrayed as respondent no. 4 before the learned Tribunal and in fact even while holding in paragraph 18 that respondent no. 3, i.e. the insurance company (as had insured the other vehicle involved in the accident, the driver of which has been found to be negligent), had failed to prove that the said vehicle was being driven

by the driver in contravention of the terms and conditions of the insurance policy, eventually the finding on the issue was returned against respondent no. 4.

In view of what has been held on issue no. 1, i.e. on the question of negligence, to the effect that it was respondent no. 1 before the Tribunal, i.e. Bir Pal, the driver of the vehicle bearing registration no. UP-86-C-9453, who was negligent in driving the vehicle, the matter is remitted to the Tribunal to correct the typographical/clerical errors, as have come in its judgment in paragraphs 18 and 19 thereof.

If of course, the Tribunal finds that there is not a typographical error, it will pass a detailed order stating as to how the appellant is liable to pay the compensation.

It is to be noticed that though this is the first appeal filed, the above direction is also being given by exercising jurisdiction even under Article 227 of the Constitution.

Disposed of accordingly.

January 14, 2020
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.