

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

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FAO-7871-2015 (O&M)

Date of decision: 05.02.2020

LILA DEVI AND ORS

... Appellants

Versus

ARUN AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sandeep Khunger, Advocate for the appellants.
Mr. Akashdeep Sethi, Advocate for respondent No.1.
Mr. RN Singhal, Advocate for respondent No.2.

REKHA MITTAL, J. (Oral)

Challenge in the present appeal has been directed against award dated 21.07.2015 passed by the Motor Accidents Claims Tribunal, Fazilka whereby compensation has been assessed on account of death of Shiv Kumar in a motor vehicular accident that took place on 27.03.2014.

The Tribunal, in concluding para of the award, has held that the insurance company shall be at liberty to claim the amount of compensation from owner of the vehicle i.e. Skoda car by way of filing a separate suit.

Perusal of headnote of the judgment passed by the Tribunal would reveal that owner of alleged offending vehicle was not impleaded as a party. The Tribunal without appreciating that insurance company can be held liable to pay compensation only if owner of the vehicle is held vicariously liable for rash and negligent act of his employee namely driver of offending vehicle.

Counsel for the appellants would submit that award passed by the Tribunal may be set aside and the matter be remitted to the Tribunal for decision of the case afresh with liberty to the appellants to file an appropriate application before the Tribunal for impleadment of registered owner of the vehicle as a party in the claim application.

Counsel for the respondents have got no objection.

In view of the above, the appeal stands disposed of. Award passed by the Tribunal is set aside and the matter is remitted to the Tribunal for decision of the case afresh after an opportunity to the appellants to

implead registered owner of the vehicle as a party on the array of respondents. Parties through their counsel are directed to appear before the Tribunal on 02.03.2020. The Tribunal shall put its best efforts to decide the matter within a period of six months of parties putting in appearance after procuring presence of the newly added respondent.

05.02.2020

(REKHA MITTAL)
JUDGE

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No