

**RSA-2135-2001****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****RSA-2135-2001 (O&M)****Date of Decision: 31.07.2025**

State of Punjab and ors.

.....Appellants

Vs

Beant Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Pratibha Bali, AAG, Punjab

Mr. Gurjinder Singh Thind, Advocate
for the respondent.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred by State of Punjab against the judgment and decree dated 21.12.2000 passed by learned Addl. District Judge, Patiala whereby the appeal preferred by the respondent against the judgment and decree dated 27.03.2000 passed by learned Civil Judge (Sr. Divn.), Patiala, was allowed and the judgment and decree dated 27.03.2000 passed by learned Civil Judge (Sr. Divn.), Patiala was set aside.

2. Brief facts of the case are that the respondent was working as Constable with Punjab Police, Patiala. A case was registered against the respondent under Section 279/304-A of IPC, vide FIR No. 37 dated 09.04.1993 at Police Station Pehowa. However, he was acquitted on 02.04.1997. Since in the motor accident case, Chaman Lal died due to the injuries sustained by him in this road accident, therefore, his widow-Dharam Kaur and others filed claim petition before the learned Motor Accident Claims Tribunal, Kurukshetra, which was allowed by the learned Tribunal on 21.08.1996 and a sum of Rs.1,12,000 was awarded in

**RSA-2135-2001**

favour of the claimants along with interest @ 12% per annum from the date of filing of the petition till actual realization. As per award, respondent Nos. 1 to 4 were held jointly and severally liable to pay the compensation to the claimants. No appeal was filed against the above mentioned award by the State of Punjab.

3. Vide letter/instructions dated 05.12.1996 issued by Director General of Police, Punjab, Chandigarh to SSP Patiala, half amount of the compensation was directed to be recovered from the respondent. Order dated 27.01.1997 was passed to recover the amount of Rs.72,800/- in installments from the salary of the respondent. The respondent filed civil suit before the learned Civil Judge (Sr. Divn.), Patiala challenging both the orders and the same was dismissed, vide judgment and decree dated 27.03.2000 by learned Civil Judge (Sr. Divn.), Patiala. He then filed appeal against the said judgment and decree dated 27.03.2000 passed by learned Civil Judge (Sr Divn.) Patiala, which was allowed, vide judgment and decree dated 21.12.2000 passed by learned Addl. District Judge, Patiala and judgment and decree dated 27.03.2000 passed by learned Civil Judge (Sr. Divn.) Patiala was set aside and the civil suit filed by the respondent was decreed. Hence the present regular second appeal by State of Punjab.

4. Learned counsel for the appellant contends that the learned Tribunal had jointly and severally made liable all the respondents in the claim petition to pay the compensation to the claimant, therefore, learned First Appellate Court has wrongly allowed the appeal of the respondent and well reasoned judgment and decree dated 27.03.2000 passed by learned Civil Judge (Sr. Divn.), Patiala has been wrongly reversed. Hence, he prays that the present appeal be allowed.

5. Per contra, learned counsel for the respondents argues on the lines of judgment and decree dated 21.12.2000 passed by learned Addl. District Judge, Patiala and contends that the present appeal be dismissed.

**RSA-2135-2001**

6. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

7. A perusal of the record shows that vide judgment dated 02.04.1997, the respondent was acquitted in the criminal case of the charges framed against him under Sections 279/304-A IPC, which shows that the respondent was not negligent while driving the official vehicle. In fact, it has rightly been observed by the learned First Appellate Court that number of accidents takes place daily and it would be unjust to order recovery from the drivers who were doing their official duties. Further, if recoveries were ordered to be made from the drivers, then no prudent person would like to join as driver. Though the learned Tribunal held the appellant as well as respondent liable to pay the compensation to the claimant, jointly and severally, the appellant never filed any appeal against the award dated 21.08.1996 passed by the learned Tribunal to the extent of making the appellant liable to pay the compensation to the claimant.

8. A perusal of the record further shows that the official vehicle which was driven by the respondent was not even insured that is the reason for which State of Punjab was held liable to pay the compensation to the claimant, otherwise the Insurance Company would have been made liable to pay the compensation. Therefore, for the fault of the appellants in not insuring the official vehicle, the present respondent cannot be asked to pay the compensation to the claimant.

9. In view of the above, I do not find any infirmity in the judgment and decree dated 21.12.2000 passed by learned Addl. District Judge, Patiala and the same is upheld. Accordingly the present regular second appeal is dismissed.

10. The appeal filed by the respondent was allowed, vide judgment and decree dated 21.12.2000 passed by learned District Judge, Patiala and the appellant filed the present regular second appeal in the year 2001 and no stay was granted by



RSA-2135-2001

this Court but still the appellant recovered the amount of Rs.39685/- from the respondent.

- 11. In view of the above, the appellants are directed to refund the amount of Rs.39685/- along with interest @ 12% per annum from the date of recovery till the payment is made, in the account of the respondent. The respondent is directed to furnish his bank details to the appellant, within a period of 15 days from the date of receipt of certified copy of this judgment.
- 12. Parties are left to bear their own costs. Decree sheet be prepared accordingly.
- 13. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

July 31, 2025
Gaurav Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes