

(1989) 09 P&H CK 0023

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Swami Lal Chand Dass and
Others

APPELLANT

Vs

Balraj Malik and Others

RESPONDENT

Date of Decision: Sept. 7, 1989

Citation: (1990) 2 ACC 412

Hon'ble Judges: S.S. Sodhi, J

Bench: Single Bench

Judgement

S.S. Sodhi, J.

A sum of Rs. 24, 000/-was awarded as compensation to the claimant-Balraj Malik for the injuries sustained by him when the motor-cycle, he was driving on, was involved in an accident with the truck DLG-6616. This happened on February 9, 1982. It was the finding of the Tribunal that Mange Ram was the driver of the offending truck and that is belonged to respondent 2-A Gramin Gaushala Bawana. The appellant-Swami Lai Chand Dass, it appears, had been impleaded as the owner of the truck. There is, however, a clear finding recorded by the Tribunal that the truck was the property of Gramin Gaushala Bawana.

2. In the face of the finding recorded by the Tribunal that the appellant-Swami Lal Chand Dass was neither the driver nor the owner of the offending truck, the Tribunal clearly erred in fastening liability upon him too for the compensation awarded to the claimant. The Award of the Tribunal is accordingly hereby modified to the extent that the liability for the amount awarded shall be only that of the truck-driver Mange Ram and its owner-Gramin Gaushala Bawana. The appellant-Swami Lal Chand Dass is thus absolved of liability. This appeal is consequently hereby accepted. There will be no order as to costs.