
(2013) 03 AHC CK 0087
In the Allahabad High Court
Case No : F.A.F.O. No. 732 of 2013

Oriental Insurance Co. Ltd.

APPELLANT

Vs

Ramjani and Others

RESPONDENT

Date of Decision : 19-03-2013

Acts Referred:

Citation : (2013) 2 AWC 1696

Hon'ble Judges : Rajes Kumar, J

Bench : Single Bench

Advocate : Anupam Shukla, for the Appellant;

Final Decision : Dismissed

Judgement

Rajes Kumar, J.—Heard learned counsel for the appellant. This is an appeal by the insurer of Truck No. U.P.-71-B-8524. It appears that on 10.5.2011, at about 1 O'clock when Tractor No. U.P.-71-B-0265 was moving slowly on its left side towards Laxmibai Inter College, Bahua the tractor was hit by the Truck, bearing registration No. U.P.-71-B-8524, causing injuries to the claimant, one Raju and one Baburam who died on the spot.

2. The Tribunal found that the accident has been caused due to rash and negligent driving of the driver of the truck. The Tribunal observed that the site plan reveals that the truck was on the wrong side and hit the tractor, which was moving on its left side, as a result of which the accident occurred and, therefore, held driver of the truck responsible for the accident. The Tribunal on the basis of the income of the claimant and the evidences filed about the expenses incurred in the treatment assessed the compensation at Rs. 1,42,575.

3. Learned counsel for the appellant submitted that the claimant was travelling in the trolley of the tractor, which was meant to be used for the agricultural purposes and not for carrying the passengers and, therefore, the driver of truck cannot be held responsible for the accident.

4. I do not find any substance in the argument of learned counsel for the appellant.

5. The Tribunal on the basis of the site plan has arrived to the conclusion that the tractor was moving on its left side and the truck has gone on wrong side as well as hit the tractor which caused injuries to the claimant and other persons. The claimant was third person. It is wholly irrelevant that whether the claimant could travel in the trolley of the tractor legally or not. The only question is that who was responsible for the accident. If the driver of the truck was responsible for the accident, the owner of the vehicle is liable, whose liability has to be indemnified by the appellant and as such the appellant is liable to pay the compensation. No other argument has been raised by the learned counsel for the appellant.

6. In view of the above, the appeal, being devoid of merits, fails and is dismissed.

7. The office is directed to remit back the statutory amount deposited to the concerned Tribunal within four weeks. The appellant is directed to deposit the entire amount of compensation in the Tribunal within two months from today and the Tribunal is directed to release the entire amount of compensation to the claimant within a month thereafter. Any amount already deposited by the appellant shall be given due adjustment.