

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

**FAO NO. 194 OF 1991(O&M)
DECIDED ON : 13.07.2015**

Romesh Kumar

...Appellant

versus

Sawan Ram and others

...Respondents

CORAM : HON'BLE MR. JUSTICE K. C. PURI

Present : Mr. I. P. Singh, Advocate,
for the appellant.

Mr. S. S. Toor, Advocate,
for respondent No.2.

K. C. PURI, J. (ORAL)

This is an appeal directed by one of the respondent against the Award dated 17.08.1990 passed by Shri Babu Ram Gupta, Motor Accident Claims Tribunal, Chandigarh, vide which the claim petition preferred by Sawan Ram was partly accepted.

Sawan Ram-claimant filed claim petition under Section 110-A of the Motor Vehicles Act, (in short "the Act") claiming compensation to the tune of Rs.3 lacs on account of injuries sustained by him in a motor vehicular accident on 14.02.1987. It is alleged that Ajit Singh was the driver of offending vehicle i.e

Scooter bearing registration No. CHC-5542 and the same was owned by Romesh Kumar- the present appellant.

The learned Tribunal, after adjudication, partly accepted the claim petition and Ajit Singh, being the driver of offending vehicle and Romesh Kumar-being the owner of said vehicle, were jointly and severally held liable to pay the amount of compensation to the extent of ₹50,000/- to Sawan Ram-claimant.

Feeling dissatisfied with the above said Award dated 17.08.1990 passed by Motor Accident Claims Tribunal, Chandigarh, Romesh Kumar has preferred the present appeal.

Learned counsel for the appellant has submitted that at the time of accident, the vehicle was sold by the appellant to Ajit Singh. It is further submitted that PW-2 Rupinderbir Singh, Manager of Kumar Auto Dealers has proved the receipt Exhibit R1. The vehicle was registered in the name of Romesh Kumar-appellant and the same was sold by him to Ajit Singh.

Learned counsel for the appellant has relied upon authorities "**Harbans Singh vs. Krishan Lal and others**" 1984 ACJ 650 (P&H); **Said Mohammed vs Rema**" 1996 ACJ 477 and "**HDFC Bank Limited vs. Kumari Reshma and others**" 2015 (1) Law Herald 277 and on the strength of same, he has argued that since from the date of sale, Ajit Singh was the owner of the scooter in question and as such, no liability can be fastened upon the appellant.

Learned counsel for respondent No.2-Ajit Singh has not disputed the said proposition of law laid down in authority ***Harbans Singh's case (supra)***, ***Said Mohammed's case (supra)*** and ***HDFC Bank Limited's case (supra)*** and has argued that once the vehicle is sold, the transferee would be held liable. He has also not disputed the position that the vehicle was purchased by Ajit Singh well before the date of accident and as such, he is liable to pay the amount of compensation. However, his argument is that the amount of compensation has already been paid by Ajit Singh to the claimant-Sawan Ram.

I have considered the submissions made by both the sides and have gone through the records of case.

During the course of arguments, it is not disputed that at the time of accident, Ajit Singh was owner of the vehicle in question. However, the registered owner was the appellant. Learned counsel for respondent No.2-Ajit Singh has not disputed the proposition of law laid down in authorities ***Harbans Singh's case (supra)***, ***Said Mohammed's case (supra)*** and ***HDFC Bank Limited's case (supra)***, that once the vehicle is sold, the transferee is liable to pay the compensation.

In these circumstances, the appeal stands accepted and the Award passed by the Tribunal stands set-aside. It is held that appellant Romesh Kumar is absolved from his liability to pay the amount of compensation.

Since learned counsel for respondent No.2-Ajit Singh has stated that the amount of compensation has already been paid and as such, the point mentioned above is of academic interest only.

A copy of this order be sent to the concerned quarters.

JULY 13, 2015
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(K. C. PURI)
JUDGE