

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 6237 of 2012 (O&M)
Date of decision: February 16, 2015

Subhash and another

.....Appellant

versus

Savitri Devi and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Ajay Kumar Kamboj, Advocate for
Mr. P.S. Jammu, Advocate
for the appellants.

Mr. Dheeraj Narula, Advocate
for respondent No.1.

None for respondent No.2.

JASPAL SINGH, J

Challenge in this petition is to award dated April 23, 2012 passed by Motor Accident Claims Tribunal, Sirsa vide which claim petition filed by respondent No.1 under Section 166 of Motor Vehicles Act, 1988 (for short 'Act') was allowed and appellants as well as Vikram-respondent No.2 were held jointly and severally liable to pay the amount of compensation as awarded by learned Tribunal to the tune of ₹7,44,259/-. Appellants have sought setting aside of liability fastened upon them and to shift the same upon respondent No.2-

Vikram who was the registered owner of jeep No. HR-10-A-6186 at the time of accident.

2. Undisputedly, while rendering findings on issue No.1, learned Tribunal has categorically observed that accident in question resulted into the death of Goverdhan which took place due to rash and negligent driving of jeep in question by appellant No.1-Subhash and a sum of ₹7,44,259/- was awarded as compensation to be jointly and severally paid by appellants and respondent No.2-Vikram. Neither any cross-objection nor any appeal has been preferred by claimant and respondent No.2-Vikram who have sold the offending jeep to appellant No.2-Kaptan. But as per registration certificate of the vehicle the same was not transferred, in the name of subsequent owner.

3. The sole question which requires determination in the instant appeal whether liability fastened upon the appellants is illegal and deserves to be set aside. Answer to this question is in the negative, especially in view of the fact that it is an admitted case of the parties that respondent No.2-Vikram had already sold away the jeep in question to appellant No.2-Kaptan on September 16, 2010, though, ownership of the said vehicle was not transferred and name of registered owner was not changed in the Registration Certificate. After the purchase of vehicle in question on the basis of affidavit dated September 16, 2010 by appellant No.2-Kaptan, he has become liable to pay the compensation alongwith other *tort feasors*. Here neither any appeal nor any cross-objection has been filed by

respondent No.2-Vikram.

4. Since, appellant No.1 was driving the offending vehicle at the time of accident, in which, Goverdhan lost his life whereas appellant No.2-Kaptan was owner of vehicle on the basis of affidavit dated September 16, 2010. Learned Tribunal has rightly concluded that appellants are also jointly and severally liable to satisfy the impugned award.

5. Thus, in the given circumstances no interference of this Court is justified in the impugned award as the appellants could not point out any infirmity or illegality in it.

6. In the light of what has been discussed above, instant appeal being devoid of merits, is hereby, dismissed whereby the impugned award dated April 23, 2012 is upheld. No order as to costs.

**(JASPAL SINGH)
JUDGE**

February 16, 2015
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- 1. Whether the Reporters of the Local papers may be allowed to see the judgment? Yes**
- 2. To be referred to the Reporters or? Yes**
- 3. Whether the judgment should be reported in the digest? Yes**