

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

**FAO No.10304 of 2014 (O&M)
Date of Decision: March 19, 2015**

Hem Raj (deceased) through LRs ... Appellants

vs.

Smt. Pushpa and others ... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Mukesh Yadav, Advocate for the appellants.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

CM-28428-CII of 2014

For the reasons mentioned in the application, delay of 19 days in filing the present appeal is condoned, subject to all just exceptions.

Application stands disposed of.

FAO-10304 of 2014

The legal heirs of registered owner of the offending vehicle i.e. tractor trolley bearing registration No.HR-36B-9279, namely, Hem Raj have filed this appeal against the Award dated 15.07.2014 passed by the Motor Accident Claims Tribunal, Jind (in short 'the Tribunal').

Learned counsel for the appellants states that as per the case of the appellants, the tractor in question was sold by deceased Hem Raj to Ravinder son of Sunehra i.e. respondent No.6 (in the present appeal), who was mentioned as driver of the vehicle in question in the claim petition.

The contention of learned counsel for the appellants is that before the Tribunal, the appellants have produced the evidence in the form of documents i.e. Exs.R-11 and R-12 supplied by the State Public Information Officer-cum-Deputy Superintendent Registering Authority (MV), Sub Divisional Officer (Civil), Rewari that no objection certificate of the vehicle was issued in favour of the Registering Authority, Hisar. The Tribunal after considering the documents came to the conclusion that there is no mention in whose name the 'NOC' was issued. Therefore, the plea of the appellants was discarded.

I am of the view that if it is claimed by the appellants that the vehicle in question was sold, it was for the appellants to prove the sale. Except the said information, there is no proof of sale of the vehicle in question. The Award cannot be passed on the basis of presumption and supposition.

It being so, there is no illegality in the findings of the Tribunal in not accepting the plea of the appellants regarding the sale of vehicle.

Accordingly, the present appeal is dismissed.

March 19, 2015
sarita

(KULDIP SINGH)
JUDGE