

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 3098-CII of 2015 in/and
FAO No. 3907 of 2014 (O/M)
Date of decision : 24.4.2015

Pala Ram

..... Appellant

Versus

Paramjeet Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jagjit Gill, Advocate, for the applicant-appellant.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)
CM No. 3098-CII of 2015

Prayer in the application is for placing on record certain documents i.e. Annexure-A-1 to Annexure-A-3.

CM is allowed. Documents i.e. Annexure-A-1 to Annexure-A-3 are taken on record.

Application is accordingly disposed of.

Main case

Pala Ram (registered owner of the offending vehicle) has filed this appeal against the award dated 7.3.2014, passed by the Motor Accident Claims Tribunal, Sirsa (in short 'the Tribunal').

In this case, Som Nath (driver/respondent No. 1 before the Tribunal), while driving offending vehicle bearing registration No. PB-19C-9010, is stated to have crushed a school going boy Anshul to death.

Before the Tribunal, Som Nath (driver/respondent) had denied the rash and negligent driving. However, the present appellant Pala Ram (registered owner of the offending vehicle) had taken the plea that before the accident, he had sold the jeep in question to Som Nath (driver/respondent No. 1). To prove his contention, he proved one affidavit (Mark 'R1') before the Tribunal dated 24.12.2009, in which the present appellant states that he had sold the said jeep to Som Nath (driver/respondent).

This affidavit cannot be relied upon as an evidence of transfer. First of all, the same was not proved in accordance with law and is merely a marked document and cannot be read into evidence. Secondly, there is no affidavit of Som Nath (driver/respondent) that he had purchased the said jeep. Further, it is not proved that parties had executed any other document of transfer and further the same were submitted before the motor vehicle authority for the transfer of the vehicle. It is a self-serving unproved affidavit of the owner and cannot be taken as evidence of the transfer of the vehicle. It being so, no fault can be found with the findings of the Tribunal that both the respondents shall be severally or jointly liable to pay compensation for accident caused by the

FAO No. 3907 of 2014 (O/M)

SANJIV KUMAR SHARMA
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I attest to the accuracy and
authenticity of this document

offending vehicle, which was incidentally un-insured. Consequently,
the present appeal is dismissed.

(KULDIP SINGH)
JUDGE

24.4.2015
sjks