

212.

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

FAO No.5310 of 2013 (O&M)

Date of decision: 25.01.2016

Vijay Kumar

... Appellant

versus

Rakesh alias Mintu alias Bintu and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashwani Bhardwaj, Advocate,
for the appellant.

Mr. Ramender Chauhan, Advocate,
for respondent No.5

Mr. Jatin Hans, Advocate,
for respondents 7 and 8.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The appeal is at the instance of the registered owner claiming that the vehicle which was involved in the accident had been transferred in favour of one, who has sold it to Sunil Kumar-2nd respondent. It was brought out in evidence that Sunil Kumar has sold it Ravinder Kumar-the 3rd respondent. Ravinder Kumar, in turn, sold it to Naveen Kumar-4th respondent. The transfer upto Naveen Kumar is admitted. Naveen Kumar stated that he had sold

the vehicle to Meer Singh-5th respondent whose son was driving the vehicle. Copy of the affidavit said to have been given by Meer Singh was filed in court. Meer Singh gave evidence that he never purchased the vehicle and denied his signature in the affidavit. The court had directed registered owner to take the liability.

2. The decision is erroneous. There is no justification for the Tribunal to pass the award against a registered owner when there was evidence that the vehicle had been transferred by delivery to the 2nd respondent, who, in turn, had transferred the same and the last admitted owner was Naveen Kumar. It was the purchase by Meer Singh that was in denial. The court ought to have passed the award only against the admitted owner Naveen Kumar referred to as the 4th respondent in appeal. This issue has been considered by the Supreme Court in **HDFC Bank Limited Versus Kumari Reshma and others-2015(3) SCC 679**. To the same effect was also the earlier decision of the Supreme Court in **Purnya Kala Devi Versus State of Assam and another-2014(2) RCR (civil) 591**. The award is modified to make only Naveen Kumar-the 4th respondent liable for the award passed by the Tribunal.

3. The appeal is allowed with the above modification.

(K.KANNAN)
JUDGE

25.01.2016
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