

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.427 of 2016 (O&M)
Date of Decision.21.01.2016

Dharmender

.....Appellant

Vs.

Smt. Kavita and others

.....Respondents

Present: Mr. Vikrant Pamboo, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The appeal is at the instance of the 3rd respondent who was stated to be owner of the vehicle. The 2nd respondent who was himself the registered owner gave evidence before the Tribunal that he had sold the vehicle to the 3rd respondent and brought before the Tribunal an affidavit of the 3rd respondent admitting to the purchase of vehicle and also produced order of the RTA, Rohtak allowing for transfer of the vehicle. The Tribunal, therefore, accepted the contention that the 3rd respondent was owner at the relevant time of the accident and granted award against the 3rd respondent.

2. It was contended by the 3rd respondent that he was not owner and he had transferred the vehicle to the 1st respondent. There was no proof adduced in that regard that the 1st respondent did not even take a witness stand. It is also further contention that the vehicle itself was hit from behind by yet another vehicle and it was the other vehicle

which was responsible for the accident that ultimately killed the pedestrian. If there was yet another vehicle which was involved, such vehicle owner was not even made party to the proceedings. If there is any other remedy which the 3rd respondent would like to exhaust by proceedings against him for having contributed to the accident, the same may be done by independent proceeding and it cannot be brought before this Court in contention especially when yet another vehicle owner was not even made party.

3. The award passed making the 3rd respondent liable for the compensation was under the circumstances perfectly justified and I will find no cause for making an intervention. The appeal is without merit and it is dismissed. The application filed for condonation of delay is also dismissed.

(K. KANNAN)
JUDGE

January 21, 2016
Pankaj*