

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

Sr. No.310

**FAO No.1803 of 2000
Date of decision : 04.08.2017**

Ranjit Singh

..... Appellant

VERSUS

Deepak Sharma and others

..... Respondents

(2)

FAO No.1804 of 2000

Ranjit Singh

..... Appellant

VERSUS

Deepak Sharma and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Neeraj Khanna, Advocate for
Mr. Deepak Suri, Advocate
for the appellant.

Mr. Vibha Tewari, Advocate for
Mr. Sandeep Vearmani, Advocate
for respondents No.1 to 3.

Mr. Deepak Malhotra, Advocate
for respondents No.7 and 8.

SUDHIR MITTAL, J.

These two appeals are being decided by this common judgment as common questions of fact and law are involved therein.

Two separate claim petitions were instituted by the children of late Lt. Col. Satya Parkash Sharma and his wife Pushpa Sharma, who died in a road accident, which took place on 09.03.1994. The accident took place with the scooter being driven by Lt. Col. Satya Parkash Sharma on which his

wife Pushpa Sharma was pillion rider, was hit by a Army Jonga bearing chassis No.VF-8416, Engine No.AO/4261/JVF/926/JVF being driven by respondent No.3-Jatinder Kumar. According to the claimants, appellant-Ranjit Singh was the owner of the said vehicle and had been purchased by him in Army disposal auction. The said vehicle was driven rashly and negligently by Jatinder Kumar-respondent No.3 and he hit the scooter of their parents near Y Junction resulting in their death. FIR No.41 dated 09.03.1994 was also registered. After examining the evidence on record, the learned MACT, Gurdaspur granted a compensation of ₹9,36,000/- and the liability was fastened on the appellant and respondents No.4 and 5 jointly and severely. The present appeals have been filed by the owner-Ranjit Singh. No cross appeals have been filed by the claimants for enhancement of compensation.

I have heard learned counsel for the parties and have perused the record with their assistance.

Learned counsel for the appellant has placed reliance on document R-8 (gate pass), which shows that after the auction, the Jonga vehicle was delivered to some other person and not to the appellant, who drove the Jonga out of Depot. He thus, contended that the evidence on record does not support the finding of the Tribunal that the appellant was the auction purchaser of the offending vehicle. On the contrary, learned counsel for the respondents supported the finding of the learned Tribunal.

The evidence examined by the learned Tribunal while giving a finding that the Jonga vehicle was owned by the appellant, is extracted below:-

“To determine the actual owner, it is very necessary to prove the evidence led by the parties on this point. Earlier, in the statement of AW6 Vijay Sagar U.D.C it has come on record that Unit No.1326, Base Depot, GREF C/o 56 A.P.O has disposed vide voucher Ex.A5 one Nissan Jonga bearing chassis No.VF-8416, Engine No.A-4261JVF and sold to M/s Ranjit Singh c/o Nalwa Bridge, Pathankot, and proved that the signatures of Ranjit Singh on the voucher. This witness also proved the gate pass of the said vehicle as Ex. A6 from where it is evident that vehicle after its sale has left the premises of the unit. Similarly, in the statement of RW3 Resham Pal, Supdt. E.M.I of 1326 Base Depot Pathankot, shows that the vehicle in question which was put in class D having become unserviceable was declared as scrap and has proved on record the vehicle no. as BA No. AB 11282 its made as Nissan Jonga and proved through Ex. R1 and R2 that the same was put on auction through approval Ex. R3 on 15.12.1993 and as per the list Ex. R4 the vehicle in question was sold to the highest bidder i.e. Ranjit Singh of Balwa Bridge, Pathankot for sum of Rs.12100/- and has proved that initial amount of Rs.3100/- was deposited on the spot and the remaining balance amount was deposited in the State Bank of India vide treasury challan Ex. R5 on 17.12.1993. This witness also proved the sale order pertaining to the vehicle bearing No.BCN-37 as Ex. R6 and deposed that the delivery of the vehicle was made to Ranjit Singh on 13.12.1993 vide Ex.R7 and proved the gate pass Ex.R8 and deposed that after the issuance of the gate pass the vehicle has left the premises.”

I have also gone through the evidence referred to by the learned Tribunal. It is clear therefrom that appellant-Ranjit Singh had bid for Jonga vehicle, the treasury challan making deposit of the auction amount, is in the name of Ranjit Singh, the sale release order and the issue vouchers, are also in his name. The evidence on record completely supports the finding of the

learned Tribunal. The finding of the learned Tribunal that Ranjit Singh-appellant is the owner of the offending vehicle is fully supported by the evidence on record. Thus, there is no error in appreciation of the evidence by the learned Tribunal and hence no interference with the impugned award, is called for.

For the reasons stated above, the appeals are hereby dismissed.

(SUDHIR MITTAL)
JUDGE

August 04, 2017
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No