

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

FAO-1311-2001
Date of decision: 03.08.2017

Dharambir

.... Appellant

Versus

Sumer Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.N.C.Kinra, Advocate
for the appellant.

Mr. D.R.Bansal, Advocate
for respondent No.3.

Avneesh Jhingan, J.

This is an appeal filed against the order dated 02.11.2000 passed by Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'Tribunal) passed in MACT case No.75 of 1996.

The appeal has been filed by Dharmbir son of Bahadur Chand, resident of Kalanaur, Tehsil and District Rohtak.

The brief facts of the case as stated are that on 21.02.1996, Balraj son of Jai Kishan (deceased) was driving truck No.HR-12-8784. The truck was on its way from Delhi to Jaipur when it reached near Anaj Mandi, in the area of Police Station Kotputli, a tanker bearing registration No.RJ-14-G-2167 came from Delhi side and there was collusion between the tanker and the abovesaid truck.

Three claim petitions arising out of the accident were filed before the Tribunal. At present, we are only dealing with the claim petition filed by the owner of the truck No.HR-12-8784.

The owner of the truck claimed that the truck was badly damaged in the accident and he had spent Rs.1,50,000/- on its repair. The claimant had produced the bills, marks as A1 to A8 before the Tribunal. Photographs Ex.P9 to P12 and their negatives Ex.P13 to P16 were also produced before the Tribunal. The claimant also stated before the Tribunal that he had sold the truck for a sum of Rs.2,25,000/-

The claim petition was dismissed by the Tribunal as the claimant failed to produce the registration certificate of the truck and even the ownership was not proved.

Counsel for the appellant argued that truck No.HR-12-8784 was admittedly involved in the accident and in such circumstances the Tribunal ought to have allowed his claim petition.

Counsel for respondent No.3 has opposed the present appeal and has argued that the appellant had failed before the Tribunal even in discharging the initial onus of ownership and hence the claim petition was rightly dismissed.

I have heard learned counsel for the parties.

The argument of the learned counsel for the appellant at outset seems to be very attractive but lacks any merit. The appellant had stated before the Tribunal that he had sold the truck. The date of sale had not been mentioned. This statement, coupled with the fact that the registration

certificate was not produced before the Tribunal, shows that the appellant was not the owner of the truck. Without crossing the initial hurdle of proving ownership, no claim can be asked for. No illegality is pointed out in the order passed by the Tribunal.

The appeal is dismissed.

(AVNEESH JHINGAN)
JUDGE

03.08.2017

anju

Note:

1. Whether the order is speaking/reasoned: Yes
2. Whether the order is reportable : No