

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

FAO-4195-2001 (O&M)
Date of decision: 13.12.2017

Jaswinder Singh

.... Appellant

Versus

Sarvjinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Subhash Godara, Advocate for
Mr.S.S.Dinarpur Advocate
for the appellant.

Mr. J.S.Chahal, Advocate
for respondents No.1 and 2.

Mr. Neeraj Khanna, Advocate
for respondent No.3-Insurance Company.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 29.05.2001 passed by Motor Accidents Claims Tribunal, Jagadhri (hereinafter referred to as the 'Tribunal').

The record of this case was burnt and has been reconstructed from the salvaged record and copies supplied by counsels, subject to all just exceptions.

There was a motor vehicular accident that occurred on 09.05.2000. The accident involved two motorcycles bearing registration No.HR-02E/3286 and HR-01-H/0354. As a result of the accident, the motorcycle bearing registration No.HR-02E/3286 was damaged.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act') was filed claiming compensation for damage to the motorcycle. The said claim petition was dismissed by the Tribunal on the ground that it has not been proved that the claimant was the registered owner of the

motorcycle. Aggrieved of the said award, the present appeal has been filed.

Learned counsel for the appellant has argued that as per the oral evidence adduced, it was proved that Jaswinder Singh was the owner of the said vehicle. He contended that RC could not be produced as it was on the police file.

Learned counsel for the Insurance Company has contended that no document was produced on record to establish that Jaswinder Singh was the registered owner of the motorcycle.

I have heard learned counsel for the parties and perused the paper book.

Even in the appeal proceedings, learned counsel for the appellant was not in a position to produce the registration certificate of motorcycle that is the basic document to establish the ownership of the vehicle. The contention of the learned counsel that the said RC was on the police file and therefore, could not be produced and cannot be accepted. Record could have been summoned or even an attested copy produced. In the absence of any such evidence it cannot be held that Jaswinder Singh was owner of the said motorcycle.

Consequently, the appeal is bereft of any merit and the same is dismissed.

(AVNEESH JHINGAN)
JUDGE

13.12.2017
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1. Whether the order is speaking/reasoned: Yes/No
2. Whether the order is reportable : Yes/No