

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

FAO No.3335 of 2019 (O&M)
Date of Decision: July 25, 2019

Ajmer Singh

...Appellant

Versus

Gurdeep Singh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Dhillon, Advocate
for the appellant.

JAISHREE THAKUR, J. (Oral)

CM-11514-CII-2019

1. For the reasons mentioned in the application, the same is allowed and delay of 04 days in filing the appeal is condoned.

CM-11512-CII-2019

1. For the reasons mentioned in the application, the same is allowed and delay of 150 days in re-filing the appeal is condoned.

FAO-3335-2019

1. This is an appeal that has been filed seeking to challenge the order dated 21.08.2018 passed by the MACT, Faridkot whereby, the appellant, who is the registered owner of the offending vehicle, has been fastened with the liability of paying compensation, as assessed to the claimants.

2. In brief, the facts are that on 10.08.2015 at about 02.45 p.m. Harwinder Singh (since deceased) and Balraj Singh were going from the house of Harwinder Singh to Golewala, to withdraw money from ATM on motorcycle bearing registration No.PB04-L-5030. Harwinder Singh was driving the motorcycle and Balraj Singh was sitting on pillion seat. Gurdeep Singh was also going 25-30 meters behind them on his motorcycle bearing registration No.PB04-R-2773 towards Golewala to take his medicine. When Harwinder Singh and Balraj Singh reached near the gate of Harkishan School, a van of yellow colour bearing registration No.DL5C-4556 came from the opposite side, which was being driven by respondent No.3 herein at very high speed in a rash and negligent manner, which hit the motorcycle of Harwinder Singh. Resultantly, Harwinder Singh and Balraj Singh fell down from the motorcycle and received serious injuries. Thereafter, the injured were rushed to the hospital by Gurdeep Singh where, they succumbed to the injuries. An FIR was registered on the statement of Gurdeep Singh and postmortem on the dead body of deceased were conducted. Thereafter, the claimants filed a claim petition, which was allowed by the MACT, Faridkot and the liability of ₹ 6,25,000/- along with interest @ 7% per annum from the date of filing of claim petition till realization of the amount came to be fastened upon driver and registered owner of the offending vehicle. The MACT has fastened the liability upon the registered owner by coming to the conclusion that the vehicle involved was not insured. Aggrieved against the said award, the instant appeal has been filed.

3. Learned counsel appearing on behalf of the appellant argues

that the appellant, who is the registered owner of the offending vehicle, had sold the same to Jagdip Singh, much prior in time to the accident occurred. In fact, there is an admission on the part of Jagdip Singh that he had purchased the offending vehicle from the appellant and in such a situation, the new owner ought to have been fastened with the liability. It is argued that in turn the offending vehicle was further sold by said Jagdip Singh to Manjit Singh and by Manjit Singh to Tejbinder Singh, who had been arrayed as respondents No.4 to 6 in the claim petition.

4. I have heard learned counsel for the appellant and find that there would be no ground for this court to interfere with the award of the Tribunal, since the Tribunal has fastened liability upon the registered owner. The Tribunal had relied upon the judgment rendered in ***Naresh Kumar vs. Ishwar Singh, 2018(1) PLR 686*** wherein, it has been held in a situation where there is no insurance of the offending vehicle, the liability would be fastened upon the person, who is reflected as the registered owner, which has been done in the instant case.

5. Finding no merit in the appeal, the same is hereby dismissed. However, the appellant herein is at liberty to avail his remedy, if entitled, to make recoveries of the payment that he would made from the persons to whom the vehicle stands sold, even though the RC had not been transferred on to their names.

July 25, 2019

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No