

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No.6115 of 2012(O&M)

Date of Decision: December 11 , 2019.

Ex. Hav. Gian Singh

..... APPELLANT (s)

Versus

Surjit Singh and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhinav Aggarwal, Advocate for
Mr. Ashish Aggarwal, Advocate
for the appellant.

Respondent No.1 *ex parte*.

Mr. B.D.Sharma, Advocate
for respondent No.2.

None for respondents No.3 to 5.

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?

LISA GILL, J.

This appeal has been filed by the registered owner of the offending vehicle challenging the liability imposed upon him by the learned Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as, the 'Tribunal') vide impugned award dated 04.09.2012.

Claimants/respondents No.3 to 5 in this case were awarded a total compensation of ₹16,44,430/- on account of death of Sarabjit Singh, who lost his life in a motor vehicle accident which took place on 10.04.2010 due to the rash and negligent driving of motorcycle bearing No.PB-58-F-1449 by one Jag Ram.

Admittedly, appellant – Gian Singh was the registered owner of the said motorcycle on the date of accident i.e., 10.04.2010. Stand taken by the appellant is that he had sold the said motorcycle to Gill Autos, Batala Road, Fatehgarh Churian on 30.10.2009, who further sold it to respondent No.2-Dharampal. Respondent No.2-Dharampal again sold this motorcycle to respondent No.1-Surjit Singh. It is, thus, pleaded that the present appellant is not the owner of the offending vehicle, though he continued to be reflected as the registered owner.

Learned Tribunal on considering the evidence on record held the present appellant alongwith respondents No.1 and 2 - Surjit Singh and Dharampal, to be jointly and severally liable to pay the compensation.

The Hon'ble Supreme Court in **Naveen Kumar v. Vijay Kumar and others, 2018(3) SCC 1** has categorically held that the registered owner of the offending vehicle cannot escape from his liability and the claimant is entitled to receive compensation from the registered owner. If at all the registered owner sets up a case where he seeks to shift the burden on another person, the registered owner is at liberty to recover the amount paid to the claimants from the persons to whom the vehicle was transferred and the claimants are not to run after the said persons.

In the present case, the subsequent purchasers were duly arrayed as

parties before the learned Tribunal and it has been proved on record that the vehicle, in question, was taken on Superdari by respondent No.1-Surjit Singh.

The appellant who is admittedly reflected to be the registered owner of the offending vehicle at the time of the accident, cannot escape liability on the ground of merely further selling the vehicle before the accident. In this view of the matter, the learned Tribunal has correctly imposed the liability upon all the abovesaid persons.

No other argument has been raised.

Learned counsel for the appellant is unable to point out any illegality, infirmity or perversity in the impugned award dated 04.09.2012 passed by the learned Motor Accident Claims Tribunal, Amritsar, which calls for interference by this Court in the present appeal.

Consequently, this appeal is dismissed with no order as to cost.

December 11 , 2019.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No