

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

CM No.4717-CII of 2019 in/and

FAO No. 5810 of 2016(O&M)

Date of decision: 13.9.2019

Balwant Singh

.....Appellant

VERSUS

Avtar Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. M.K. Sajjan, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

Heard.

In view of averments made in the application supported by an affidavit of Mr. Balwant Singh, the appellant, the same is allowed. Order dated 11.02.2019 is recalled and the appeal is ordered to be restored to its original number and stage.

Disposed of accordingly.

FAO No.5810 of 2016

Challenge in the present appeal has been directed against award dated 04.02.2016 passed by the Motor Accidents Claims Tribunal, Ferozepur (in short 'the Tribunal') whereby compensation has been assessed on account of death of Harbhajan Singh in a motor vehicular accident that took place on 09.02.2014.

The claimants have been held entitle to compensation of Rs.9,97,000/- to be paid by respondents No.1, 2 and 4 therein, jointly and severally.

The present appeal has been filed by registered owner of the vehicle i.e. tractor bearing No.PB-05-N-1470 to assail his liability to pay compensation on the premise that since the appellant had sold the vehicle to M/s K.K. Bhattha in the year 2013, the appellant has wrongly been fastened with liability to pay compensation. He would further apprise the Court that an application has been filed under Order 41 Rule 27 read with Section 151 of the Code of Civil Proecdure, 1908 seeking permission to place on record copy of application filed by M/s K.K. Bhattha for release of the aforesaid tractor on sapurdari. In support of his contention, he has relied upon judgment of Hon'ble the Supreme Court **Purnya Kala Devi vs. State of Assam, (2014) 14 SCC 142.**

The controversy raised in the present appeal is squarely covered against the appellant in view of three-Judge Bench decision of Hon'ble the Supreme Court **Naveen Kumar Vs. Vijay Kumar and others, 2018(2) Scale 263** wherein the Court after considering the previous judgments including **Purnya Kala Devi's case** (supra) has held that for the purposes of the Act, the person whose name is reflected in the records of the registering authority is the owner. The owner within the meaning of Section 2(30) is liable to compensate. The mandate of the law must be fulfilled. The same proposition of law has been laid down in the subsequent judgment **Prakash Chand Daga Vs. Saveta Sharma and others, Civil Appeal No.11369 of 2018 Arising out of SLP(Civil)No.27296 of 2018 , decided on 14.12.2018.** In the given

scenario, the appellant cannot derive any advantage to his contention from the referred authority.

No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

The application for additional evidence also stands disposed of in view of the aforesaid observations.

SEPTEMBER 13, 2019

‘D. Gulati’

Whether speaking/reasoned

Whether reportable

:

:

(REKHA MITTAL)

JUDGE

yes/no

yes/no