

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.1214 of 2020

Date of Decision:19.2.2020

Mohan

...Petitioner

Versus

Sandeep and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Arun Dulgach, Advocate for
Mr.Abhimanyu Singh, Advocate
for the petitioner

RAJIV NARAIN RAINA, J. (ORAL):

1. This revision petition has been filed assailing the order dated 9.1.2020 passed by the Motor Accident Claims Tribunal, Rohtak, declining the application under Order 1 Rule 10 CPC moved by the petitioner to implead Kuldeep Singh son of Prithvi Singh as party because the petitioner had sold the offending vehicle to him and he is liable to shoulder the compensation.

2. Heard learned counsel for the petitioner and perused the file.

3. As per the Registration Certificate of the vehicle, on the date of accident i.e.27.1.2019, the offending vehicle stood in the name of petitioner Mohan as its registered owner in the records of the authority. The Tribunal accordingly held that he cannot escape from his liability to indemnify the claimants. As per law, only the owner is liable in whose name the offending vehicle stands. The only slender document the petitioner clings on to, to avoid liability is an affidavit deposing sale of vehicle, which document is shown to be sworn prior to the date of accident.

4. This affidavit has been disregarded by the Tribunal, and rightly so, holding that it is inadmissible in evidence as the original of the same has not been placed on record. To which I may add, that even if the same were placed on record, the affidavit is of no evidentiary value to shift the liability on Kuldeep Singh, who was allegedly the successive purchaser of the offending vehicle whose name was sought to be impleaded.

5. The petitioner claims he sold the suit vehicle on 6.12.2018 to Kuldeep Singh and the accident happened on 27.1.2019. Respondent No.4- Sansar son of Om Parkash was driving the offending vehicle at the time of accident. The Tribunal has considered these aspects and declined the application for the right reasons.

6. Accordingly, there is no legal infirmity discovered in the impugned order dated 9.1.2020 passed by the Tribunal dismissing the application under Order 1 Rule 10 CPC. No ground warranting interference in the order passed by the Tribunal is made out.

7. The petition is accordingly dismissed.

February 19, 2020
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes
Yes/No