

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

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Date of decision:22.01.2020

FAO No. 6348 of 2019 (O&M)

Mela Ram and sons

.....*Appellants*

Versus

Hardeep Kaur and others

.....*Respondents*

FAO No. 6349 of 2019 (O&M)

Mela Ram and sons

.....*Appellants*

Versus

Mangal Singh and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Gurmohan Singh Bedi, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

This order will dispose of aforesaid appeals as identical questions of law and facts are involved for adjudication. For facility of reference, facts are taken from FAO No. 6348 of 2019.

The sole submission made by counsel for the appellant is that since offending Truck bearing No. PC-02-P-9536 had been sold by the appellant to M/s Mridual Chemical Products - respondent No. 4 therein, prior to the occurrence and documents in respect of transfer were produced before the Tribunal, liability to pay compensation has wrongly been fastened upon the appellant along with driver of offending vehicle. In the alternative, it is argued that in case contention of the appellant is not

accepted, he may be allowed to have recovery right against respondent No. 3 after payment of compensation to the claimants. Counsel would also submit that in case the appellant initiates appropriate proceedings for recovery from respondent No. 4 therein, any finding recorded by the Tribunal with regard to factum of transfer of vehicle by the appellant in favour of respondent No. 4 may not be allowed to stand in its way.

Be that as it may, it is undisputed position of the case that the appellant was registered owner of offending truck on the day of accident. The controversy raised by the appellant is no longer *res integra*, in view of judgments passed by Hon'ble the Supreme Court in ***Naveen Kumar vs. Vijay Kumar and other 2018(2) R.C.R. (Civil) 74 and Parkash Chand Daga vs Saveta Sharma and others (CA No. 11369 of 2018 arising out of SLP (Civil) 27296 of 2018, decided on 14.12.2018)***. As such, the appellant cannot escape its liability to pay compensation.

So far as plea of the appellant to seek recovery of compensation paid to the claimants, the appellant may take recourse to appropriate remedy in law for pressing its right of recovery. Any such plea with regard to transfer of vehicle raised before the Civil Court would be decided on the basis of evidence on record without being influenced by any observations made in the award.

In view of what has been discussed hereinbefore, the appeals stand disposed of.

(Rekha Mittal)
Judge

22.01.2020
Mohan Bimbura

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