

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

- 1. FAO-4868-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents
- 2. FAO-4869-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents
- 3. FAO-5063-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents
- 4. FAO-5064-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents
- 5. FAO-5065-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents
- 6. FAO-5066-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents
- 7. FAO-5067-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents

FAO-4868-2008 (O&M) and other connected cases

-2-

- 8. FAO-5068-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents
- 9. FAO-5069-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents
- 10. FAO-5070-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents
- 11. FAO-5071-2008 (O&M)**
Sardara SinghAppellant
Vs.
National Insurance Company Limited and othersRespondents

Reserved on : 20.02.2026
Date of Pronouncement : 23.02.2026
Date of Uploading : 26.02.2026

Whether only the operative part of the judgment is pronounced? **NO**
Whether full judgment is pronounced? **YES**

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. M.S.Longia, Advocate, and
Mr. Saurabh Bahmani, Advocate,
for the appellant(s).

Mr. Neeraj Khanna, Advocate, for
Mr. Ravinder Arora, Advocate,
for respondent No.1-Insurance Company.

SUDEEPTI SHARMA J.

1. Since the challenge in all the appeals filed by the owner of
Tractor Trolley bearing registration No.PB-12-B-9372 is to award dated



FAO-4868-2008 (O&M) and other connected cases

-3-

23.01.2008 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Ropar (for short, 'the Tribunal'), whereby the appellant and respondent-Insurance company were held liable to pay the compensation jointly and severally to the claimants and recovery rights were granted to respondent No.1-Insurance company to recover the compensation from the appellant (owner of the offending vehicle), therefore, all the appeals are decided vide this common judgment.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that on 16.06.2001, the injured/claimant along with other persons had boarded a tractor trolley bearing registration No.PB-12-B-9372 from Sangrur to village Bhaniara to pay obeisance at the Dera of Baba Piara Singh. When the offending vehicle reached Ropar, the claimant and other accompanying persons alighted from the tractor trolley and proceeded on foot on the Ropar–Nurpur Bedi Road in the form of a religious procession by singing religious songs. Upon reaching near village Garbagha, which is a semi-hilly area, the brakes of the offending vehicle got failed while it was being driven downhill. The offending vehicle, being driven by respondent No. 2 in a rash and negligent manner, went out of control. In an attempt to save himself, driver/respondent No.2 allegedly turned the tractor towards the hillside of the road, where the claimant and other persons were walking along the roadside. As a result, the offending vehicle turned turtle and struck against the claimant and other persons, who sustained multiple grievous injuries, including the claimant(s).



3. Upon notice of the claim petition, all the respondents, except respondent No.2, appeared and contested the claim petition by filing their separate written replies and denied the factum of the accident/compensation.

4. From the pleadings of the parties, learned Tribunal framed the following issues:-

- “1. Whether claimant sustained injuries in Motor vehicle accident which was caused by the driver of the tractor trolley No.PB12-B-9372 while driving the same in rash and negligent manner on 16.6.2001 in the area of Garbagha? OPP*
- 2. Whether at the time of the accident, driver of the offending tractor was not holding valid and effective driving licence? If so, its effect? OPR*
- 3. Whether the claimant is entitled to get any compensation? If so, to what extent and from whom? OPP*
- 4. Whether the claim petition is not maintainable? OPR*
- 5. Relief”*

5. In support of their pleadings, both the parties led their respective evidence.

6. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimants on account of injuries sustain by them and appellant (owner of the offending vehicle) as well as respondent-Insurance Company were held liable to pay the compensation to the claimants jointly and severally and liberty was granted to respondent No.1-Insurance Company to recover the compensation



FAO-4868-2008 (O&M) and other connected cases

-5-

from the appellant (owner of the offending vehicle). Hence, the present appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

7. Learned counsel for the appellant contends that learned Tribunal, vide its award dated 23.01.2008, has wrongly granted recovery rights to the Insurance Company. He further contends that the appellant (owner) sold the tractor trolley (offending vehicle) bearing registration No.PB-12-B-9372 to respondent No.2-Manjit Singh and insurance policy of the said vehicle was also valid, therefore, the appellant (owner) has wrongly been made liable to pay the compensation. He, therefore, prays that the present appeal be allowed.

8. *Per contra*, learned counsel for respondent No.1-Insurance Company contends that recovery rights are rightly granted by learned Tribunal. He further contends that appellant (owner of the offending vehicle) did not place on record the driving license of the driver of the offending vehicle, despite that, a specific application was moved by respondent No.1-Insurance Company. He, therefore, contends that the learned Tribunal has rightly held that the driver of offending vehicle did not possess valid driving license at the time of accident. He, therefore, prays that the present appeal be dismissed.

9. I have heard learned counsel for the parties and carefully perused the whole record of this Court with their able assistance.

10. Before proceeding further, it would be apposite to reproduce decision on Issue No.2 by the learned Tribunal:-



“ISSUE NO.2 OF ALL THE CLAIM PETITIONS

41. *Onus to prove this issue was on the respondent-Insurance Company. In the present case respondent no.3 Insurance Company filed an application for directing respondents No.1 and 4 to furnish the name of driver of the offending vehicle, copy of RC of the offending vehicle, driving licence of the driver of the offending vehicle, but despite availing a large number of opportunities neither the name of the driver of offending vehicle nor the driving licence of the driver of the offending vehicle was produced by respondents No.1 and 4. The name of respondent No.2 i.e. the driver of the offending vehicle was not disclosed by respondents No.1 and 4 and they also did not produce copy of driving licence of the driver of the offending vehicle. Respondent No.1 the registered owner of the offending vehicle took a plea that he had sold the offending vehicle to respondent no.4 on 1.5.2001 but he failed to prove this fact that he had transferred the offending vehicle to respondent No.4 on 01.5.2001. Counsel for respondent No.3 has placed reliance on an authority titled as Balbir Singh Vs. Nikka Ram, 2001(3) Civil Court Cases, 291 of the Hon'ble Punjab and Haryana High Court wherein it has been held that onus to prove that driver of the insured vehicle was not holding a valid driving licence is on the insurance company but if upon asking of the insurance company the insured and the driver failed to produce the driving licence then the onus on the insurance company stands discharged and in that situation the owner shall be liable to pay compensation and not the insurer. This authority is fully applicable to the facts of the present case because in the present case respondent No.3 Insurance Company had filed an application for directing respondents No.1 and 4 to furnish the name of the driver of the offending vehicle and to produce copy of driving licence of the driver of the offending vehicle. Respondents No.1 and 4 did not disclose the name of the driver of the offending vehicle nor they produced copy of driving licence of the driver of the offending vehicle, so under these circumstances in view of the law laid down in the above noted authority, it is held that respondent no.3 Insurance Company has discharged its onus to prove that the driver of the offending vehicle did not possess a legal and valid driving licence, so keeping in view the above stated reasons, issue No.2 of all the claim petitions is decided in favour of the respondent*



No.3 and against respondent No.1 to the effect that respondent No.3 Insurance Company would firstly pay the amount of compensation to the claimants and then it would be at liberty to recover the entire amount of compensation paid by it to all the claimants from respondent No.1 Sardara Singh registered owner of the offending vehicle. Issue no2 of all the claim petition is accordingly disposed of with the above noted observations.”

11. A perusal of the record shows that the appellant (registered owner of the offending vehicle) in his written statement took preliminary objection that the offending vehicle was already sold by him to respondent No.2-Manjit Singh. Respondent No.2-Manjit Singh in his written statement raised preliminary objection that appellant has placed on record forged and fabricated affidavit and respondent No.2-Manjit Singh never became owner nor ever came in possession of the offending vehicle. On merits, he submitted that since he has no concern with the offending vehicle, therefore, his name be deleted from the array of parties.

12. A perusal of the above shows that the appellant took a plea that he had sold the offending vehicle to respondent No.2-Manjit Singh on 01.05.2001 but he failed to prove this fact that he had transferred the offending vehicle to respondent No.2-Manjit Singh on 01.05.2001.

13. This Court in the judgment passed in **FAO-5526-2006** titled as ‘**Mukesh Vs. Smt. Triveni and others**’ decided on 26.03.2025 has already dealt with similar issue and held that registered owner of the offending vehicle shall be liable to pay compensation. The relevant extract of the said judgment is reproduced as under:-



“7. Upon a careful perusal of the impugned award, it is evident that the dispute pertains to the determination of liability for payment of compensation under the Motor Vehicles Act, 1988, in a scenario where the registered owner has purportedly transferred the vehicle but continues to be reflected as owner in the official record of the registering authority.

*8. This question of law is no longer res integra, having been conclusively settled by the Hon’ble Supreme Court in a case of **Naveen Kumar vs. Vijay Kumar and others, 2018 (2) RCR (Civil) 74**, wherein the Hon’ble Apex Court has held as under:-*

“12. The consistent thread of reasoning which emerges from the above decisions is that in view of the definition of the expression ‘owner’ in Section 2(30), it is the person in whose name the motor vehicle stands registered who, for the purposes of the Act, would be treated as the ‘owner’. However, where a person is a minor, the guardian of the minor would be treated as the owner. Where a motor vehicle is subject to an agreement of hire purchase, lease or hypothecation, the person in possession of the vehicle under that agreement is treated as the owner. In a situation such as the present where the registered owner has purported to transfer the vehicle but continues to be reflected in the records of the registering authority as the owner of the vehicle, he would not stand absolved of liability. Parliament has consciously introduced the definition of the expression ‘owner’ in Section 2(30), making a departure from the provisions of Section 2(19) in the earlier Act of 1939. The principle underlying the provisions of Section 2(30) is that the victim of a motor accident or, in the case of a death, the legal heirs of the deceased victim should not be left in a state of uncertainty. A claimant for compensation ought not to be burdened with following a trail of successive transfers, which are not registered with the registering authority. To hold otherwise would be to defeat the salutary object and purpose of the Act. Hence, the interpretation to be placed must facilitate the fulfilment of the object of the law. In the present case, the First respondent was the ‘owner’ of the vehicle involved in the accident within the meaning of Section 2(30). The liability to pay compensation stands fastened upon him. Admittedly, the vehicle was uninsured. The High Court has proceeded upon



a misconstruction of the judgments of this Court in Reshma and Purnya Kala Devi.

13. The submission of the Petitioner is that a failure to intimate the transfer will only result in a fine under Section 50(3) but will not invalidate the transfer of the vehicle. In Dr. T.V. Jose, this Court observed that there can be transfer of title by payment of consideration and delivery of the car. But 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.”

*9. Applying the binding precedent in **Naveen Kumar vs. Vijay Kumar and others, 2018 (2) RCR (Civil) 74** to the present case, it is undisputed from the record that as of the date of the accident (08.04.2002), Respondent No. 8, Mukesh son of Shiv Charan, continued to be recorded as the registered owner of the offending vehicle in the official record of the registering authority. While the vehicle was allegedly sold to the appellant on 17.09.2001 and possession whereof was transferred to him, the statutory requirement of effecting a transfer in the registration record was not complied with. Therefore, in light of the above referred to judgment in **Naveen Kumar vs. Vijay Kumar and others, 2018 (2) RCR (Civil) 74**, the findings of the learned Tribunal fastening joint and several liability upon both the appellant-Mukesh and Respondent No. 8 are legally untenable in the eyes of law.”*

14. In view of the above referred to judgment, the appellant was registered owner of the offending vehicle at the time of accident.

15. Furthermore, it is transpired from the record that respondent No.1-Insurance Company has moved application before learned Tribunal to produce driving license of the driver of the offending vehicle but appellant (registered owner of the offending vehicle) did not produce the driving license before learned Tribunal. Under such backdrop, the learned Tribunal has rightly held that the driver of the offending vehicle did not possess a valid driving license at the time of accident and there is controversion in the

FAO-4868-2008 (O&M) and other connected cases

-10-

policy condition and therefore, rightly given the recovery rights to respondent No.1-Insurance Company to recover the compensation from the appellant (registered owner of the offending vehicle).

16. In wake of the above discussion and settled law, all the appeals, being devoid of merits, are **dismissed**.

17. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

09.02.2026

Virender

Whether speaking/non-speaking	: Speaking
Whether reportable	: Yes/No