



Certificate of Registration dated 1.8.2019 before the Transport Regional Officer, Agra as U.P.80 FC 3477. Unfortunately, the father of the minor petitioner died on 03.05.2019. Subsequently, her mother also died on 17.11.2019. In the meantime, the respondent no. 3 Ram Ratan who served as a driver of her father wanted to grab the vehicle and got a forged Notary Sale Deed dated 25.03.2019 prepared in his favour and moved an application dated 23.9.2019 for transfer of ownership. After having knowledge about the same, the maternal grandfather of the petitioner endeavoured to get back the vehicle from respondent no. 3 Ram Ratan but was denied.

5. It has been submitted by learned counsel for the petitioner that the maternal grandfather (Kishan Pal Singh) moved an application before the Regional Transport Officer, Agra to transfer the aforesaid vehicle in favour of the petitioner, the sole legal heir of her deceased parents. A report dated 27.12.2021 was sought from Lekhpal wherein the petitioner Km. Gunjan (minor) was shown to be the sole legal heir of the deceased Manvendra who was the owner of the vehicle. Accordingly, the Regional Transport Officer, Agra, gave temporary authorization on 5.7.2023 of the said vehicle to the petitioner under the guardianship of her maternal grandfather for a certain period.

6. In the meanwhile, on 31.05.2022, the Barhan Police seized the said vehicle U.P. 80 FC 3477 under Section 207 of Motor Vehicles Act and was challaned vide Challan Order No. 91012220531184219 in the name of Ram Ratan as at the time of seizure, the vehicle was in the custody of respondent no. 3 Ram Ratan. An application was moved by the petitioner through her guardian Kishan Pal Singh for

the release of the aforesaid vehicle as she was the registered owner. The said release application was however rejected on 17.6.2022.

7. Aggrieved by the said order, a Revision No. 397 of 2022 was filed before the District Judge, Agra wherein Ram Ratan was directed to be impleaded as a necessary party and the said revision was partly allowed directing the Court concerned to dispose of the matter after giving opportunity of hearing to both the parties. Both the parties appeared before the Trial Court and on the basis of records available the order dated 9.2.2023 was passed.

8. During the pendency of the criminal revision, the R.T.O. Agra granted temporary authorization of the vehicle to the minor petitioner Gunjan. Ram Ratan raised an objection that the vehicle has been transferred on the basis of incorrect facts and real facts were suppressed before the Transport Officer, Agra. Accordingly, the said transfer of the vehicle in favour of the petitioner was black listed.

9. The main submission of the learned counsel for the petitioner is that the order dated 25.08.2023 passed by the learned Additional Session Judge, Court No. 29, Agra is illegal and is not sustainable as the petitioner being the sole legal heir of the deceased Manvendra Singh, was the rightful owner of the vehicle.

10. It has also been asserted that the R.T.O., Agra had already granted temporarily authorization of registration certificate in favour of the petitioner Km. Gunjan (minor), Care Taker Kishan Pal Singh on 5.7.2023 for a certain period.

11. Per contra, learned counsel for the respondent no. 2 argued that though the

father of the petitioner Late Manvendra Singh was the registered owner of the vehicle but later it was purchased by Ram Ratan through a Sale Deed dated 25.03.2019. It was asserted that the deceased Manvendra during his lifetime had sold the vehicle to Ram Ratan on 25.03.2019 as the debt was due to be paid to the financier, but, the title of the vehicle could not be transferred in his favour. A Notary Sale Deed dated 25.03.2019 was executed between Manvendra Singh and Ram Ratan and Rs. 7 lakh was stated to have been paid to Manvendra Singh and the balance amount was to be paid by Ram Ratan. After the death of Manvendra Singh his in-laws mounted pressure upon Ram Ratan to return the vehicle and accordingly, Rs. 1,80,000/- was paid to Kishan Pal, the maternal grandfather of the petitioner.

12. Affidavit of the brother of the deceased Ravendra Singh and sister of the deceased Smt. Kaushalya have also been produced indicating that the said vehicle was sold out to Ram Ratan on 25.03.2019.

13. Further it was stated that the said vehicle was purchased by Sale Deed dated 25.03.2019 and had submitted the Transfer Form No. 30(2). R.T.O., Agra and had also paid the loan installments. He stated that he regularly paid the Toll Plaza through his accounts. Even by order dated 22.9.2023 vide Challan No. UP 91012220531184219 under Section 207 of Motor Vehicles Act, the vehicle was released in his favour.

14. The Revisional Court had thus observed that as the transfer application was pending decision before the Regional Transport Officer, Agra and as the ownership and title of the vehicle was not confirmed and no document claiming the ownership of the vehicle was produced, therefore, the custody

of the vehicle was rightly given to Ram Ratan. Thus, the order dated 09.02.2023 was quashed by the Revisional Court directing the Trial Court to give the custody of the vehicle to Ram Ratan.

15. Having heard learned counsel for the parties and from the perusal of the record, it transpires that the petitioner Km. Gunjan (minor) aged about 8 years is the sole legal heir of the deceased Manvendra Singh who was the registered owner of the said vehicle. After the death of her father Manvendra on 03.05.2019 and mother Smt Sunita Kumari on 17.11.2019, the petitioner Km. Gunjan (minor) was their sole legal heir. The District Magistrate, Agra had issued a Succession Certificate No. 4740/Judicial Assistant -3 dated 26.02.2022 declaring the petitioner Km. Gunjan (minor) having date of birth 18.1.2015 as the sole legal heir.

16. On 27.05.2023 an application was moved by the petitioner through Care Taker Kishan Pal Singh for transfer of the vehicle under Rule 56 (2) of the Central Motor Vehicles Act, 1989, Financer through Form-31 had endorsed in favour of guardian. The then Assistant Regional Transport Officer, Agra vide order dated 30.05.2023 has ordered to transfer the vehicle in favour of the petitioner. Accordingly, the petitioner being legal heir of her deceased father, is the rightful owner of the said vehicle.

17. The alleged Sale Deed dated 25.03.2019 is a forged Notary Affidavit and is not a registered sale deed and was executed much prior to the date when the father of the petitioner purchased his Bolero vehicle, i.e. on 8.4.2019.

18. Considering the aforesaid facts and circumstances of the case and the submissions advanced by the parties, the

