

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO.3489 OF 2016

Giranjali Changdeorao Shinde

.. Appellant

Versus

Gayabai Widow of Sahebrao Darade
and others

.. Respondents

Mr.Dinesh S. Jagiasi, Advocate for the appellant
Mr.R.B.Deshpande, Advocate h/f Mr. A.G.Kanade, Advocate
for respondent No. 4

CORAM : A.V.NIRGUDE, J.

DATED : 23.09.2016

P.C. :-

1. This appeal is filed by the unfortunately respondent alleged owner of the vehicle which was involved in motor accident in which respondent No.1's husband Sahebrao Darade died. The accident took place long back on 02.09.1998. The case of the appellant is that she had sold her vehicle on 15.04.1997 to one Shrimant and executed a document in his favour and obtained entire consideration and then parted custody.

2. Once she left the custody of the vehicle which Shrimant he thought that her responsibility towards the vehicle was over. But unfortunately subsequent formality

of getting registration of transfer in the name of purchaser is not completed. But ignorance of law is no excuse. Shrimant apparently used this motor for sometime and thereafter he handed over the same to one Hange who also used this vehicle without transfer of registration in his name and even without covering the risk by purchasing the Insurance policy. While Hange was apparent owner of the vehicle the accident took place.

3. The Motor Accident Claim Petition was filed rather belatedly in 2001. And thereafter the appellant came to know that she was made the sole respondent. She took a specific defence that she was not the owner of the vehicle on the day of accident. But the Court rightly ignored this plea and passed an award against the appellant. The appellant did not sue Shrimant and Hange for their liability and for recovery of award amount. Award came to be executed against the appellant during which she deposited a sum of Rs.2,25,000/- in the Court. Rather belatedly this appeal is filed the appellant has no scope of arguing this appeal on merits because the appellant was registered owner of the vehicle on the day of accident.

5. Sub-Section 30 of Section 2 of the Motor Vehicle Act, 1988 the definition of the 'owner' defined as under:

“ “owner” means a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchaser agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement”

6. The appellant thus cannot escape her liability and hence the appeal should fail.

7. What amount deposited in the Court shall be handed over to the claimants in terms of the award.

8. In view of this the first appeal stands rejected and disposed of.

9. In view of the disposal of the First appeal the Civil Application No. 10643/2013 for stay does not survive and disposed of.

[A.V.NIRGUDE, J.]