

FAO No. 4171 of 2016(O&M)

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In the High Court of Punjab and Haryana at Chandigarh

FAO No. 4171 of 2016(O&M)

Date of Decision: 13.12.2016

Suresh

---Appellant

versus

Sunil and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Kuldeep Sheoran, Advocate
for the appellant**

Rekha Mittal, J.

CM No. 14228-CII of 2016

Prayer in this application is for condoning delay of 20 days in filing the appeal.

In view of averments in the application, supported by an affidavit of Suresh Kumar, applicant-appellant, the application is allowed and delay of 20 days in filing the appeal is condoned.

FAO No. 4171 of 2016

The present appeal directs challenge against judgment dated

21.3.2016 passed by the Motor Accidents Claims Tribunal, Hisar (in short “the Tribunal”) whereby compensation has been awarded in respect of injuries sustained by Sunil Kumar in a motor vehicular accident that took place on 1.10.2013.

The sole submission made by counsel for the appellant is that as the appellant had already sold the alleged offending vehicle to Pawan Kumar-respondent No. 4 before the occurrence in question, he has been wrongly fastened with liability to pay compensation. It is further submitted that driver of the offending vehicle namely Sombir has nowhere contended that his services were availed of by the appellant or he was driving the alleged offending vehicle on his behalf.

I have heard counsel for the appellant, perused the paper book particularly the award.

It is undisputed position of the case that the appellant happened to be the registered owner of the vehicle in question at the time of occurrence. He being the registered owner cannot avoid his liability by raising a plea that he had already sold the vehicle to Sh. Pawan Kumar. In this context reference can be made to **Pushpa @ Leela and others vs. Shakuntla and others 2011 AIR (SC) 682** and **Dr. T.V.Jose vs. Chacko**

P.M. @ Thankachan and others 2002(2) PLR 159.

No other point has been raised.

In view of what has been discussed hereinabove, finding no merit, the appeal fails and is accordingly dismissed.

(Rekha Mittal)
Judge

13.12.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No