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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 17th February, 2016

+ **MAC.APP. 547/2012 & CM APPL. 9006/2012**

UNITED INDIA INSURANCE CO. LTD. Appellant

Through: **Mr. Sameer Nandwani, Adv.**

versus

SUKH DEVI & ORS Respondents

Through: **Mr. Anshuman Bal, Adv. for R-1 & 2.**

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. The insurance company presses this appeal on the short ground that the fourth respondent Jaswant Singh (second respondent before the tribunal) in the course of inquiry, on the claim petition under Section 163-A of the Motor Vehicles Act, 1988 (the MV Act), registered as MAC petition no.1358/2010, had taken the position that he had transferred the motor vehicle in question to one Dharmender before the accident. The insurance company contends that in face of this fact liability to indemnify could not have been fastened.

2. Having heard the learned counsel and perused record, it is noted that the contention of the owner (fourth respondent) of the motor vehicle about sale of the vehicle was not believed and he was held vicariously liable to pay

the compensation since the vehicle has continued to be registered in his name. In this view, the plea of insurance company is unmerited. The appeal, with pending application, is dismissed.

3. The statutory deposit, if made, shall be refunded.

**R.K. GAUBA
(JUDGE)**

FEBRUARY 17, 2016
ssc

