

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

**FAO No.4995 of 2014 (O&M)
Date of decision: 15.12.2017**

Mangat Singh

..... Appellant

Versus

Anil Kumar & another

..... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Gaurav Sharma, Advocate for the appellant.
Mr. Ashwani Arora, Advocate for respondent No.1.
Mr. V.P. Singh, Advocate for respondent No.2.

B.S. WALIA, J. (ORAL)

[1] Short point for consideration is whether a person in whose name a vehicle stands registered in the RTO records can seek to be absolved of liability in respect of an accident pertaining to the vehicle registered in his name on the sole ground that the vehicle has been sold and possession thereof handed over to another person who admits having purchased the vehicle in question.

[2] Learned counsel for respondent No.1 has referred to a decision of the Hon'ble Supreme Court in **PP Mohammed v. K. Rajappan and others, 2008 (17) SCC 624**. Paragraph No.4 of the aforementioned decision which has a direct bearing on the point in issue is reproduced hereunder:-

"These appeals are filed by the appellants. The insurance company has chosen not to file any appeal. **The question before this Court is**

whether by reason of the fact that the vehicle has been transferred to respondent 4 and thereafter to respondent 5, the appellant got absolved from liability to the third person who was injured. This questions has been answered by this Court in T.V. Jose (Dr.) v. Chacko P.M., (2001) 8 SCC 748, wherein it is held that even though in law there would be a transfer of ownership of the vehicle, that, by itself, would not absolve the party, in whose name the vehicle stands in TRO records, from liability to a third person. We are in agreement with the view expressed therein. Merely because the vehicle was transferred does not mean that the appellant stands absolved of his liability to a third person. So long as his name continues in TRO records, he remains liable to a third person."

[3] A perusal thereof reveals that it has been categorically held by the Hon'ble Supreme Court that merely because the vehicle was transferred does not mean that the registered owner stands absolved of his liability to a third person and that as long as his name continues in the RTO records, he remains liable to a third person.

[4] Per contra learned counsel for the appellant has referred to the decision of a Single Bench of this Court dated 27.05.2014 in FAO No.6517 of 2012 in case titled '**Sugar Singh v. Mehar Singh**.'

[5] I am afraid the judgment of the Hon'ble Single Bench relied upon by the learned counsel for the appellant is of no avail in view of the categorical decision of the Hon'ble Supreme Court on the point in issue as has been referred to above.

[6] Accordingly, finding no merit in the instant appeal, the same is dismissed.

[7] No order as to costs.

(B.S. WALIA)
JUDGE

15.12.2017
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- Note:
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| 1. Whether the order is speaking/reasoned | : | Yes/No. |
| 2. Whether the order is reportable | : | Yes/No. |