

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

FAO-2541-2017 (O&M)
Date of decision: 30.08.2017

GURSHARAN SINGH @ GURSHARANJIT SINGH ...Appellant

Versus

MAHINDER SINGH & OTHERS ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Gagandeep Singh, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The registered owner of Tavera bearing registration No.PB-46-0097 is in appeal to assail findings of the Tribunal fastening liability to pay compensation against the appellant.

The sole submission made by counsel for the appellant is that as the vehicle in question stood sold by the appellant in favour of Hardev Singh-respondent No.1 in the year 2008, the Tribunal has erred while fastening liability upon the appellant as well.

I have heard counsel for the appellant, perused the paper book particularly the award dated 04.10.2016 passed by the Motor Accidents Claims Tribunal, SBS Nagar, Nawanshahr.

As per plea of the appellant, he has sold vehicle in question in favour of Hardev Singh in the year 2008 but the accident took place on 19.01.2011, therefore, he was left with no connection with the vehicle in question to pay compensation to the claimants.

Counsel for the appellant has not disputed that on the day of occurrence, offending vehicle stood registered in his name. There is nothing on record suggestive of the fact that after alleged sale of the vehicle, the appellant sent an intimation to the concerned registering authority in compliance with the provisions of Section 50 of the Motor Vehicles Act, 1988.

As the appellant was registered owner of the vehicle, he cannot escape his liability to pay compensation. In this regard, reference can be made to judgment of Hon'ble the Supreme Court of India **Pushpa alias Leela and others v. Shakuntala and others, 2011 AIR (SC) 682**. A relevant extract from para 14 of the judgment is quoted hereunder:-

“14. The decision in Dr.T.V.Jose was rendered under the Motor Vehicles Act, 1939. But having regard to the provisions of section 2(30) and Section 50 of the Act, as noted above, the ratio of the decision shall apply with equal force to the facts of the case arising under the 1988 Act. On the basis of these decisions, the inescapable conclusion is that Jitender Gupta, whose name continued in the records of the registering authority as the owner of the truck was equally liable for payment of the compensation amount. Further, since an insurance policy in respect of the truck was taken out in his name, he was indemnified and the claim will be shifted to the insurer, Oriental Insurance company Ltd.

In view of what has been discussed hereinabove, finding no merit, the appeal is dismissed in limine.

30.08.2017

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No