

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.402 of 2017

IN

M.A. 492 of 2010

=====

Krishan Kumar @ Krishna Mohan Kumar Son of Sri R.C. Pandit resident of Mohalla - Ashok Nagar Road No. 1, East Kankarbagh, Patna-20, P.O. - Lohiya Nagar, P.S. - Kankarbagh, District - Patna (Bihar).

.... Petitioner/Respondent

Versus

1. Arvind Kumar Singh @ Arvind Singh son of Prithvichand Singh
2. Mamta Kumari daughter of Arvind Kumar Singh
3. Mala Kumari daughter of Arvind Kumar Singh
4. Gaurav Kumar son of Arvind Kumar Singh. All are residents of Village - Mirja Nagar (Mahua), P.S. - Mahua, District - Vaishali (Bihar).

.... Opposite Parties/Appellants

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 01-08-2018

Heard learned counsel for the petitioner as well as learned counsel appearing for the State on the point of admission as well as on I.A. No. 7334 of 2017, which has been filed for condonation of delay in filing this petition.

This review petition has been preferred against the order dated 20.07.2017 passed by this court in Misc. Appeal No. 492 of 2010 by which and where under this court while setting aside the order dated 08.03.2010 passed in Claim Case No. 31 of 2009, directed the respondent, who is petitioner before this court, to pay rupees fifty



thousand together with interest at the rate of 6% per annum from the date of filing of claim case till the date of realization to the claimants by way of interim relief as provided under Section 140 of Motor Vehicles Act.

The grievance of the petitioner is that he had already transferred the offending vehicle to other persons and, therefore, he is not liable or responsible to make payment of rupees fifty thousand as interim relief to opposite parties who are claimants before the claim Tribunal.

It is admitted position that at the time of accident in question the vehicle stood in the name of petitioner though petitioner claims that he had already transferred the aforesaid vehicle but the name of transferee could not be entered into the government papers.

The Hon'ble Apex Court of this country in the case of **Naveen Kumar vs. Vijay Kumar and Ors.** reported in (2018) 3 SCC 1 has held that the person in whose name motor vehicle registered would be treated as owner of the vehicle for purposes of Motor Vehicles Act. Therefore, in the aforesaid circumstance, this court has no option except to treat the petitioner as owner of the vehicle. Admittedly, the vehicle in question was not insured at the time of alleged accident and, therefore, in the aforesaid circumstance, this Court directed the owner of the vehicle to make payment of rupees



fifty thousand as interim relief under Section 140 of Motor Vehicles Act.

Learned counsel appearing for the petitioner submits that driver of the aforesaid vehicle has not been made party to the claim petition and, therefore, this court should direct the claimants (opposite parties) to implead the driver of the vehicle as party to the aforesaid claim petition.

In my view, it is not proper for this court to decide the aforesaid point at this stage. The petitioner may raise the aforesaid point before the Tribunal at appropriate stage.

On the basis of aforesaid discussions, this review petition stands dismissed.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	04.08.2018
Transmission Date	N.A

