

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 368 of 2014**

- Ravish Kumar S/o Lallan Mishra R/o Dudda Road, Hirapur, Raipur, Tah. And Distt. Raipur C.G., Hal Mukam- Village And Post- Mangalpur, Thana- Lovekaria, Distt. Pashchimi Champaran, Bihar Bihar, Bihar

----Appellant**Versus**

1. Smt.Kumari Bai Dewangan And Anr. W/o Late Bhagwat Prasad Dewangan Aged About 45 Years R/o Dudiya, Post- Arjunda, Tah. Gunderdehi, Distt. Balod C.G.
2. Deelip Kumar S/o Mangal Ram Gond R/o Village- Nandai Chowk, Rajnandgaon, Tah. And Distt. Rajnandgaon C.G.

---- Respondents

For Appellant	Shri A.L. Singroul, Advocate.
For Respondents	None.

Hon'ble Shri Justice Gautam Chourdiya
Judgment On Board

06/12/2018

1. This is owner's appeal against the award dated 01.02.2014 passed by the Motor Accidents Claims Tribunal, Balod, District Balod, C.G. in claim case No. 40/2013.
2. As against compensation of Rs.15,00,000/- claimed by the unfortunate widow of deceased – Bhagwat Prasad Dewangan, aged about 53 years, by filing claim application under Section 166 of the Motor Vehicles Act (henceforth 'the Act') for his death in the motor accident on 10.02.2012, the Tribunal awarded a total sum of Rs.3,62,000/- along with interest at the rate of 6% per annum from the date of application till its actual payment,

fastening the liability on the non-applicants.

3. The Tribunal, on due consideration of the evidence led by both the parties held that the accident had occurred due to rash and negligent driving of motorcycle bearing registration no. CG04/CR/8937 by respondent no.2 herein; Bhagwat Prasad Dewangan died on account of injuries sustained by him in the said accident.
4. Counsel for the appellant submits that the vehicle in question was sold out to Shri Deelip Kumar but learned Tribunal wrongly fastened the liability on the appellant on account of he being the registered owner of the vehicle. Reliance has been placed on the decision of Hon'ble Supreme Court in the matter of ***Naveen Kumar Vs. Vijay Kumar and others*** reported in **(2018) 3 SCC 1**.
5. Heard counsel for the appellant and perused the record.
6. It is not in dispute that the accident occurred on 10.02.2012 due to rash and negligent driving of offending vehicle by non-applicant no.1 in which Bhagwat Prasad Dewangan suffered grievous injuries and died during treatment in hospital on the next day. According to non-applicant no.2 he had sold the offending vehicle to non-applicant no.1 on 07.11.2011 vide Ex.D-2 and non-applicant no.1 has also admitted the said fact in criminal case no. 102/2012 vide Ex.D-1. Non-applicant no.2 has stated that he has no knowledge as to whether the said vehicle is still registered in his name. Admittedly, on the date of accident, the offending vehicle was not insured.
7. So far as judgment relied upon by counsel for the appellant in the matter of *Naveen* (supra), from perusal of the same it is seen that

in a case like the present one, the Hon'ble Supreme Court has also held that for the purposes of the act, the person whose name is reflected in the records of the Registering Authority is the owner and the owner within the meaning of Section 2(30) is liable to compensate. Therefore, the above cited judgment is of no help to the appellant.

8. Considering the definition of owner as provided in Section 2(30) of the Motor Vehicles Act, the law governing the field, the nature and quality of evidence adduced by non-applicant no.2/owner and the salutary object and purpose of the Act, this Court is of the opinion that the Tribunal was fully justified in holding non-applicant no.2 jointly and severally along with non-applicant no.1 liable for payment of compensation to the claimant. There is no illegality or infirmity in the finding so recorded by the Tribunal.
9. In the result, the appeal being without any substance is liable to be dismissed and is, accordingly, dismissed.

Sd/
Gautam Chourdiya
Judge