

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

Tribunal, two separate appeals have been filed by owner of the offending vehicle. Since both the appeals arise from the same award and same accident, these are being disposed of by a common order.

The facts emanating from the record are that on 15.01.2018, Devinder Singh was driving motor cycle bearing registration No. PB-10BK-2733 and Gurdeep Singh was the pillion rider. When they reached near Neelgiri Hotel, the motor cycle was struck by a rashly and negligently driven offending vehicle. Due to the impact, both the occupants of the motor cycle fell down and sustained serious injuries. They were taken to Dayanad Medical College & Hospital, Ludhiana. Gurdeep Singh died in the Hospital on 16.01.2008. FIR No.5, dated 16.01.2008 was registered at Police Station Model Town, Ludhiana.

Two claim petitions were filed under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'], one by legal heirs of Gurdeep Singh and other by Devinder Singh (injured). The Tribunal after considering the facts and appreciating the evidence adduced, held that the accident was caused due to the rash and negligent driving of the offending vehicle. The owner and driver of the offending vehicle were held jointly and severally liable to pay the compensation. The Tribunal awarded a sum of ₹3,90,800/- to the legal heirs of Gurdeep Singh alongwith interest @ 6% per annum and ₹66,100/- to Devinder Singh alongwith interest @ 6% per

annum.

Heard learned counsel for the parties, perused the paper book and record.

Learned counsel for the appellant contends that the appellant had already sold the offending vehicle to Aziz Mohammad who was driving the offending vehicle at the time of accident. He further contends that Aziz Mohammad had admitted before the Tribunal that he had purchased the offending vehicle. His contention is that the appellant is not liable to pay the compensation.

The appellant was registered owner at the time of accident, the Registration Certificate stood in the name of the appellant on the date of accident. Learned counsel for the appellant is not in a position to dispute the said fact.

The Supreme Court in case of **Naveen Kumar vs. Vijay Kumar and others, (2018) 3 SCC 1** has held that for purpose of the Act, the person in whose name the motor vehicle stands registered would be treated as an owner. The relevant portion of the judgment is quoted below:-

“12. The consistent thread of reasoning which emerges from the above decisions is that in view of the definition of the expression ‘owner’ in Section 2 (30), it is the person in whose name the motor vehicle stands registered who, for the purposes of the Act, would be treated as the ‘owner’. However, where a person is a minor, the guardian of the minor would be treated as the owner. Where a motor vehicle is subject

*to an agreement of hire purchase, lease or hypothecation, the person in possession of the vehicle under that agreement is treated as the owner. In a situation such as the present where the registered owner has purported to transfer the vehicle but continues to be reflected in the records of the registering authority as the owner of the vehicle, he would not stand absolved of liability. Parliament has consciously introduced the definition of the expression 'owner' in Section 2(30) making a departure from the provisions of Section 2(19) in the earlier Act of 1939. The principle underlying the provisions of Section 2(30) is that the victim of a motor accident or, in the case of a death, the legal heirs of the deceased victim should not be left in a state of uncertainty. A claimant for compensation ought not to be burdened with following a trail of successive transfers, which are not registered with the registering authority. To hold otherwise would be to defeat the salutary object and purpose of the Act. Hence, the interpretation to be placed must facilitate the fulfilment of the object of the law. In the present case, the First respondent was the 'owner' of the vehicle involved in the accident within the meaning of Section 2(30). The liability to pay compensation stands fastened upon him. Admittedly, the vehicle was uninsured. The High Court has proceeded upon a misconstruction of the judgments of this Court in **Reshma and Purnya Kala Devi.**"*

As per above decision, the Supreme Court has held that even if the vehicle is sold but is not registered in the name of the purchaser, the registered owner shall be liable to pay the compensation.

In the present case, even the admission of the driver of the offending vehicle to the effect that the registered owner had sold the vehicle to him, will not help the appellant to wriggle out from his liability to pay the compensation. For the purpose of proceedings under Section 166 of the Act, the Tribunal has rightly held the appellant liable to pay the compensation.

The appeals being without merits, are dismissed.

[AVNEESH JHINGAN]
JUDGE

December 14th, 2018
pankaj baweja

1. Whether speaking/ reasoned

:

Yes/ No
2. Whether reportable

:

Yes/ No