

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

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FAO-10387-2014 (O&M)
Date of decision: 13.09.2018

BHAGWAT

... Appellant

Versus

JAKIR HUSSAIN AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Jagdish Manchanda, Advocate for the appellant.

Mr. V.B. Aggarwal, Advocate for respondent No.3.

REKHA MITTAL, J. (Oral)

The registered owner of offending vehicle i.e. Maruti car No.HR-51-W-2185 is in appeal to assail the award dated 29.11.2014 passed by the Motor Accidents Claims Tribunal, Gurgaon whereby compensation has been assessed on account of injuries sustained by Smt. Sushma in a motor vehicular accident that took place on 26.03.2013 and liability to pay compensation has been fastened against driver-Jakir Hussain and registered owner of the vehicle in question.

The sole submission made by counsel for the appellant is that as the vehicle in question has already been sold by the appellant to Irfan respondent No.2 prior to the accident and even the No Objection Certificate had been issued by the State Regional Transport Office, Faridabad, the appellant is not liable to pay compensation to the claimant. In support of his contention, he has relied upon judgment of Hon'ble the Apex Court **Rajasthan State Road Transport Corporation Vs. Kailash Nath Kothari and others etc., 1997(7) SCC 481**. Further reference has been made to judgment of the Delhi High Court **Anoop Kumar Kaila Vs. Soma Devi, 2010(47) RCR (Civil) 526**.

Counsel representing the claimant has supported findings of the Tribunal holding the driver and registered owner of the vehicle to be jointly and severally liable to pay compensation to victim of the accident.

I have heard counsel for the parties, perused the paper book and judgments cited at bar.

Indisputably, on the day of occurrence i.e. 26.03.2013, appellant was registered owner of the vehicle in question. The 'No Objection Certificate' stated to be relied upon by the appellant is marked as D and has not been proved in accordance with law. The appellant being the registered owner cannot escape liability to pay compensation in the light of latest judgment of Hon'ble the Supreme Court **Naveen Kumar Vs. Vijay Kumar and others, 2018 (2) Scale 263**. Taking into consideration ratio of the judgment in **Naveen Kumar's case (supra)** decided by a three Judges Bench, the appellant cannot derive any advantage to his contention from the cited judgments.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs.

(REKHA MITTAL)
JUDGE

13.09.2018
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Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No