

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

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FAO No.9139 of 2014 (O&M)

Date of decision: 02.04.2018

RAMESH KUMAR

... Appellant

Versus

BINDU VERMA AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. G.S. Sandhu, Advocate for the appellant.

None for respondent No.4.

REKHA MITTAL, J. (Oral)

CM No.25389-CII of 2014

Heard.

Allowed as prayed for. Delay of 1 day in filing the appeal stands condoned.

Main Case

Ramesh Kumar, respondent No.2A before the Tribunal has filed the instant appeal on the limited issue that the Tribunal has exonerated Brinder Singh son of Sher Singh respondent No.4 of his liability to pay compensation on the basis of findings recorded on issues No.4 and 5, while deciding issues No.3 to 5 jointly.

The sole submission made by counsel for the appellant is that as Brinder Singh was registered owner of the vehicle on the day of accident, he cannot escape his liability to pay compensation and liable to be held jointly and severally liable to pay compensation.

There is no representation on behalf of respondent No.4 who was earlier being represented by a counsel.

The controversy raised in the present appeal with regard to liability of registered owner of the alleged vehicle to pay compensation is no longer res integra in the light of latest judgment of Hon'ble the Supreme Court **Naveen Kumar Vs Vijay Kumar and Ors, SLP (C) No.18943 of 2016, passed on 06.02.2018.** As Brinder Singh respondent No.4 was registered owner of the vehicle on the day of occurrence, thus, falls in the definition of owner under Section 2(30) of the Motor Vehicles Act, 1988, findings of the Tribunal on issues No.3 to 5 are modified to the effect that Brinder Singh (respondent No.2 therein) shall be jointly and severally liable to pay compensation to the claimants.

For the foregoing reasons, the appeal is partly allowed in the aforesaid terms.

(REKHA MITTAL)
JUDGE

02.04.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No