

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

FAO No. 6048 of 2018(O&M)

Date of decision: 29.10.2018

Karamjit SinghAppellant

VERSUS

Sita Devi and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. P.K. Garg, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The precise question involved in the present appeal is with regard to liability of Karamjit Singh, registered owner of the vehicle to pay compensation to Sita Devi in regard to death of Hem Raj, her husband, in a motor vehicular accident that took place on 08.05.2016 due to rash and negligent driving of Tata Sumo bearing No.PB-11W-2473 by Satwinder Singh, its driver.

Counsel for the appellant would argue that as the alleged offending vehicle stood sold to Satwinder Singh – respondent No.2 prior to the occurrence, appellant cannot be fastened with liability to pay compensation. It is further argued that even if the appellant is held liable to pay compensation to the claimant, he may be allowed to have right of recovery against Satwinder Singh by filing an appropriate application before the Tribunal. In support of his contention, he has relied upon judgment of Delhi High Court **Anoop Kumar Kaila Vs. Soma Devi, 2010 (47) RCR (Civil) 526.** Reference has also been made to judgment of this Court **Ashutosh Batra Vs. Annu and others, 2012 (5) RCR (Civil) 547.**

I have heard counsel for the appellant, perused the paper-book particularly award dated 20.03.2018 passed by the Motor Accidents Claims Tribunal, Sangrur (in short 'the Tribunal').

Indisputably, the appellant was registered owner of Tata Sumo bearing No.PB-11W-2473 (offending vehicle) on the ill-fated day when this vehicle caused accident resulting in injuries to Sh. Hem Raj that proved fatal. When the case is examined in the light of latest judgment of Hon'ble the Supreme Court **Naveen Kumar Vs. Vijay Kumar and others, MANU/SC/0077/2018**, it is difficult to accept contention of the appellant that despite his being the registered owner of the vehicle, he is not liable to pay compensation to the claimant. In this view of the matter, findings recorded by the Tribunal holding the appellant jointly and severally liable to pay compensation are liable to be affirmed.

This brings the Court to second contention that the appellant be given right of recovery against respondent No.2, driver and alleged purchaser of vehicle. In **Anoop Kumar Kaila's case** (supra), no such ratio has been laid down by the Court whereby inter se rights between the registered owner and the alleged purchaser can be decided in proceedings before the Tribunal much less giving right of recovery to the registered owner against the alleged purchaser. Similarly in **Ashutosh Batra's case** (supra), this Court has not laid down a proposition in law that any such dispute can be settled by the Tribunal or the recovery rights can be given to the registered owner against alleged purchaser of the vehicle. On the contrary, it has been held that recovery rights provided by the award shall be enforced in execution after satisfying claim of the third party.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. However, the appellant may take recourse to remedy

in law against alleged purchaser of vehicle for recovery of amount paid to the claimant/award holder.

OCTOBER 29, 2018		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no