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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 30th May, 2018

+ **MAC.APP. 123/2017**

GORAKH LAL

..... Appellant

Through: Mr .M. T. Malik, Adv.

versus

JITENDER KUMAR

..... Respondent

Through: Mr. Nikhil Tripathi, Adv for R-1.
Mr. Manish Kapoor, Adv for R-2 &
3.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

CM APPL. 4600/2017

The delay of 179 days in filing the appeal is condoned. Application is disposed of.

MAC.APP. 123/2017

1. The appellant has challenged the award of the Claims Tribunal whereby the compensation of Rs.3,27,500/- has been awarded to respondent No.1.
2. On 17th April, 2010 at about 01:00 PM, Jitender Kumar, aged about 15 years at that time, was going on foot with his father to his school and he was hit by tractor along with water tanker bearing No.UP-83-A-7161 which

resulted in grievous injuries to the Jitender. Jitender suffered pelvic fracture urethral injury which resulted in 100% permanent disability relating to urinary function, as per the disability certificate, Ex. PW1/7.

3. The Claims Tribunal awarded Rs.35,000/- towards medical expenses, Rs.15,000/- towards pain & suffering, Rs.10,000/- towards special diet & conveyance, Rs.2,02,500/- towards loss of future earning capacity/future income, Rs.25,000/- towards loss of amenities and enjoyment of life, Rs.20,000/- towards attendant charges, Rs.10,000/- towards compensation for disfigurement, Rs. 10,000/- towards loss of study during treatment. The total compensation awarded to respondent No.1 is Rs.3,27,500/-.

4. The appellant is the registered owner of the offending vehicle and he claims to have sold the said vehicle to respondent No.2 before the accident and the offending vehicle was driven by the respondent No.3. The Claims Tribunal held the appellant as well as respondent No.2 and 3 jointly and severally liable to pay the compensation amount to respondent No.1.

5. Learned counsel for the appellant urged at the time of hearing that the appellant had sold the offending vehicle to respondent No.2 before the accident. However, it is not disputed that the appellant was the registered owner of the offending vehicle on the date of the accident.

6. This Court of the view that the registered owner cannot be exonerated from the liability to pay the compensation to the injured. Reference is made to *Naveen Kumar v. Vijay Kumar* 2018 SCC Online SC 84.

7. There is no merit in this appeal which is hereby dismissed.

8. Statutory amount of Rs.25,000/- deposited by the appellant be released to respondent No.1 along with interest accrued upto date.

9. Learned counsel for the respondent No.1 submits that respondent

No.2 deposited Rs. 50,000/- at the time of taking the offending vehicle on Supardari from the Court of Metropolitan Magistrate, P.S. Jaitpur.

10. The learned Metropolitan Magistrate, P.S. Jaitpur is directed to release the amount of Rs. 50,000/- deposited alongwith interest to Respondent No.1 within a period of four weeks from today.

11. Copy of this judgment be given *dasti* to counsels for both the parties under the signature of Court Master.

MAY 14, 2018

Pallavi

J.R.MIDHA, J.

