

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

FAO-5369-2005 (O&M)

Date of decision: 16.01.2019

Ram Nand Sharma @ Rama Nand Sharma

...Appellant

Versus

Ved Kaur and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate
for the appellant.

None for the respondents.

H.S. MADAAN, J. (Oral)

On account of suffering injuries in a motor vehicle accident on 12.12.2001 in the area in front of shop of Dr. Bhim Singh in the market at Kalanaur allegedly on account of rash and negligent driving of motorcycle bearing No.HR-29-4271 by respondent No.1-Beg Raj, petitioner/claimant- Ved Kaur had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.5 lakh.

In the claim petition, she had impleaded Beg Raj, driver of the motorcycle and Ram Nand Sharma, registered owner of the motorcycle in question as respondent. The claim petition was contested by the respondents, however, vide award dated 22.02.2005, Motor Accidents Claims Tribunal, Rohtak, awarded compensation of

Rs.50,000/- to the claimant with interest and costs payable by respondent Nos. 1 & 2 jointly and severally.

Respondent No.2 Ram Nand Sharma felt aggrieved by the said award and has knocked the door of this Court, filing an appeal against the award in question.

Notice of the appeal was given to the respondents, who were duly served but did not appear to offer a contest.

I have heard learned counsel for the appellant besides going through the record.

Learned counsel for the appellant has contended that appellant Ram Nand Sharma who was respondent No.2 in the claim petition had sold motorcycle No. HR-29-4271 to respondent No.1 Beg Raj about three years prior to the accident. The motorcycle was being used by Beg Raj, as such, only Beg Raj would be liable to pay the compensation and he was wrongly fastened with pecuniary liability by the tribunal by holding him liable jointly with Beg Raj. However, I find that since admittedly Ram Nand Sharma was registered owner of the motorcycle in question on the date of accident and the ownership had not been transferred in favour of Beg Raj by that date, he cannot escape liability to pay compensation being registered owner of the offending motorcycle. Though before the tribunal, in the written statement filed by him, he had taken up this plea, however, the said plea was rejected by the tribunal. Therefore, he cannot escape the liability to pay the compensation which has been held to be joint and several with respondent No.1 Beg

Raj, the driver of the offending motorcycle.

There is no merit in the appeal and the same is dismissed accordingly.

16.01.2019

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No