

FAO No. 5096 of 2012 (O&M)

-1-

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

FAO No. 5096 of 2012 (O&M)

Date of Decision: May 14, 2019

Sudesh Kumar

..... Appellants(s)

Versus

Jasbir Kaur and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Jaswinder Singh, Advocate
for the appellant.

None for respondents no.1 to 5.

Mr. Vikram Bali, Advocate
for respondent no.6-insurance company.

Mr. D.R. Bansal, Advocate
for respondent no.7.

LISA GILL, J. (oral)

This appeal has been filed by the appellant who is the owner of the offending vehicle, challenging the award dated 13.03.2012, passed by learned Motor Accident Claims Tribunal, Ropar (hereinafter referred to as 'the Tribunal).

Appellant is aggrieved of the award to the extent that he is held liable to pay the compensation by the learned Tribunal. It is submitted that though the appellant is the registered owner of the offending vehicle, the said vehicle has been sold to Makhan Singh arrayed as respondent no.1 in the claim petition and respondent no.6 in the present appeal.

FAO No. 5096 of 2012 (O&M)

-2-

It is thus prayed that this appeal be allowed and the appellant be exonerated of the liability to pay the awarded compensation.

I have heard learned counsel for the parties.

Learned Tribunal on considering the evidence on record specifically observing that the present appellant did not even step into the witness box to deny that he was not the registered owner of the car in question. The accident in question took place on 05.02.2010. Application for transfer of the vehicle was moved on 19.02.2010 and the vehicle actually transferred in favour of Makhan Singh on 23.02.2010.

Learned counsel for the appellant is unable to deny that in view of the judgment of Hon'ble Supreme Court in *Naveen Kumar Vs. Vijay Kumar and others 2018(2) RCR (Civil) 74*, registered owner of the offending vehicle cannot escape from liability. It is observed therein that in view of the definition of 'owner' in Section 2 (30) of the Motor Vehicle Act, it is the person in whose name the motor vehicle stands registered, who will be treated as the 'owner' for the purposes of the Act. When the registered owner purports to have transferred the vehicle but continues to be reflected as the owner in the records of the registering authority, he cannot be absolved of his liability. It is not disputed that on the date of the accident, the appellant was the registered owner of the offending vehicle. In case, the vehicle in question had in fact been sold to Makhan Singh prior to the accident in question, it is always open to the appellant to take necessary action for redressal of his grievances qua the subsequent purchaser, but no benefit can be derived by him in the present proceedings.

FAO No. 5096 of 2012 (O&M)

-3-

No other argument has been raised

There is a delay of 75 days in filing of this appeal. As the same has been adjudicated upon on merits, decision on the application for condonation of delay is rendered academic. Application is disposed of accordingly.

Present appeal being devoid of any merit is dismissed with no order as to cost.

May 14, 2019.

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No