

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

FAO No. 1525 of 2014 (O&M)

Date of decision : March 18, 2019

Jaswinder Singh

.....Appellant

Versus

Amarjit Kaur and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Ashish Yadav, Advocate for respondent No. 4.

LISA GILL, J.

Present appeal has been filed by the owner of the offending vehicle challenging award dated 29.09.2011 passed by the learned Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as the 'Tribunal').

Brief facts necessary for adjudication of the case are that a petition under Section 163-A of the Motor Vehicles Act was filed by the legal representatives of Gurjant Singh claiming compensation on account of his death in a motor vehicle accident, which took place on 02.01.2010 due to use of the offending motor cycle.

Learned Tribunal while considering the evidence on record concluded that Gurjant Singh died in the accident which took place on 02.01.2010 due to use of the offending motorcycle. A total sum of ₹4,16,600/- alongwith interest at the rate of 6% per annum was awarded. Present appellant was held liable to pay compensation as he is admittedly the registered owner of the offending vehicle.

Learned counsel for the appellant vehemently argues that the

motor cycle in question was sold by the present appellant on 05.07.2009 to one Palwinder Singh son of Sh. Tarlok Singh who further sold the motorcycle on 07.07.2009 to one Subhash Chander. Even as per the case set up by the claimants, the deceased had borrowed the motorcycle from one Joga Singh in his neighbourhood. Present appellant has no connection with said Joga Singh. None of the subsequent purchasers have been impleaded as parties to the petition filed by the claimants. It is, thus, prayed that this appeal be allowed and the appellant be exonerated and absolved of his liability to pay compensation in this case.

Heard, learned counsel for the parties.

It is a matter of record that the appellant is reflected as the registered owner of the offending motorcycle. Ex. P4, the RC of the motorcycle in question is available on record. It has been held by the Hon'ble Supreme Court in **Naveen Kumar Vs. Vijay Kumar and others 2018 (2) RCR (Civil) 74** that the registered owner of the offending vehicle is liable to pay compensation even though the vehicle in question has been further sold or transferred to any person. Relevant para of above judgment is reproduced as under: -

“ The consistent thread of reasoning which emerges from the above decisions is that in view of the definition of the expression ‘owner’ in Section 2(3), it is the person in whose name the motor vehicle stands registered who, for the purposes of the Act, would be treated as the ‘owner’. However, where a person is a minor, the guardian of the minor would be treated as the owner. Where a motor vehicle is subject to an agreement of hire purchase, lease or hypothecation, the person in possession of the vehicle under that agreement is treated as the owner. In a situation such as the present where the registered owner has purported to transfer the vehicle but continues to be

reflected in the records of the registering authority as the owner of the vehicle, he would not stand absolved of liability. Parliament has consciously introduced the definition of the expression 'owner' in Section 2(30), making a departure from the provisions of Section 2(19) in the earlier Act of 1939. The principle underlying the provisions of Section 2(30) is that the victim of a motor accident or, in the case of a death, the legal heirs of the deceased victim should not be left in a state of uncertainty. A claimant for compensation ought not to be burdened with following a trail of successive transfers, which are not registered with the registering authority. To hold otherwise would be to defeat the salutary object and purpose of the Act. Hence, the interpretation to be placed must facilitate the fulfilment of the object of the law. In the present case, the First respondent was the 'owner' of the vehicle involved in the accident within the meaning of Section 2(30). The liability to pay compensation stands fastened upon him. Admittedly, the vehicle was uninsured. The High Court has proceeded upon a misconstruction of the judgments of this Court in Reshma and Purnya Kala Devi."

Therefore, learned Tribunal has rightly held the appellant liable to pay the compensation.

No argument has been raised regarding the quantum of the compensation.

I do not find any ground whatsoever to interfere in the impugned award. The claimants are entitled to claim compensation from the present appellant, who in case of the subsequent sale of the motorcycle as claimed, can at best institute separate proceedings for recovery from the subsequent purchasers.

Accordingly, this appeal is dismissed with no order as to costs.

Needless to say none of the observations in this decision shall be construed to be a reflection on the proceedings if any, instituted by the present appellant against the subsequent purchasers.

March 18, 2019
rts

(Lisa Gill)
Judge

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