

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

FAO No. 1508 of 2017(O&M)

Date of decision: 15.5.2019

Anil Kumar and others

.....Appellants

VERSUS

Krishan Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Bhag Singh, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 24.08.2016 passed by the Motor Accidents Claims Tribunal, Kaithal (in short 'the Tribunal') whereby compensation has been assessed on account of death of Smt. Meena in a motor vehicular accident that took place on 09.08.2014.

The instant appeal has been preferred by Anil Kumar and others (respondents No.2 to 4 therein), registered owner of the offending vehicle on the day of accident. The sole submission made by counsel for the appellants is that the appellants purchased a new tractor from an authorized dealer and at that time price of the old tractor in question was adjusted out of sale consideration of the new tractor. Subsequent thereto, the tractor in question was sold to a third party, therefore, liability to pay compensation has wrongly been fastened upon the appellants.

Indisputably, the offending vehicle stood registered in the name of appellants on the fateful day of 09.08.2014 when Meena sustained injuries in a motor vehicular accident that proved fatal. When the case is examined in the light of latest judgment of Hon'ble the Supreme Court

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wherein the Apex Court on a detailed consideration of various judgments on the issue and definition of ‘owner’ under Section 2 (30) of the Motor Vehicles Act, 1988 has held that registered owner cannot escape liability to pay compensation, it is difficult to accept contention of the appellant that they have wrongly been saddled with liability to pay compensation.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

MAY 15, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no