

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

**CM No.17409-CII of 2019 in/and
FAO No.5267 of 2018
Date of decision: 30.08.2019**

Sita Ram

....Appellant

Versus

Santosh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Choudhary, Advocate,
for applicant-appellant.

RITU BAHRI J. (Oral)

CM No.17409-CII of 2019

The application is for preponement of the main appeal.

In view of the averments mentioned in the application, same is allowed, main appeal is preponed and taken up today itself for its disposal.

FAO No.5267 of 2018

Sita Ram-appellant (owner of offending vehicle) has come up in appeal against the award dated 17.02.2018 passed by Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'the Tribunal'), whereby compensation of Rs.7,84,700/- has been awarded in favour of claimants-respondent Nos. 1 to 4 on account of death of Sanjay in a motor vehicular accident which took place on 10.07.2014. Respondent No.1 is widow and respondent Nos. 2 to 4 are children of deceased Sanjay.

Learned counsel for the appellant has argued that while deciding issue No.1, the Tribunal has wrongly given a finding that it was a case of contributory negligence.

In para 16 of the impugned award, Tribunal has observed that there was head on collision between two motorcycles in broad day light in the morning hours (8.30-9.00 a.m.) and there was sufficient space on the road. This finding has been given keeping in view the nature of vehicle involved in the accident. As per mechanical report Ex.P7 & Ex.P8, both the vehicles were damaged from front side and admission of the driver (respondent No.1 in claim petition) clearly makes out that both the vehicles had collided from front side.

Even during investigation of FIR No.236 dated 10.07.2014 Ex.P11, statement of Sita Ram-registered owner (appellant herein) was recorded under Section 161 Cr.P.C., wherein he had claimed to have sold the offending motorcycle to respondent No.1-Ram Pal (driver). With regard to liability to pay compensation, it was observed that there was no dispute as regards to liability of Ram Pal (driver) to the extent of his negligence and that of Sita Ram-respondent No.2 (appellant herein) being registered owner of the offending vehicle. Reference has been made to a judgment passed by Hon'ble the Supreme Court in **Naveen Kumar vs. Vijay Kumar & Ors.**, Civil Appeal No1427 of 2018 (arising out of SLP (C) No.18943 of 2016) decided on 06.02.2018, wherein it has been held that as per Section 2 (30) of the Motor Vehicle Act, registered owner is to be held liable to make payment of compensation, as the claimant cannot 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.

After going through the impugned award, this Court is of the view that finding with respect to liability has been rightly given by the

Tribunal. Even the compensation has been rightly awarded after appreciating evidence in the right perspective. No ground is made out to interfere in the impugned award.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

30.08.2019
ajp

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