

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

FAO No. 122 of 2019 (O&M)

Date of decision : May 15, 2019

Kashmir Singh

.....Appellant

Versus

Rama Rani and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. R.S. Sidhu, Advocate
for the appellant.

LISA GILL, J.

Present appeal has been filed by the owner of the offending vehicle challenging award dated 27.07.2018 passed by the learned Motor Accident Claims Tribunal, Pathankot (hereinafter referred to as the 'Tribunal').

Learned Tribunal while deciding a petition under Section 166 of the Motor Vehicles Act filed by the claimants-respondents concluded that the accident, which took place on 21.11.2015, was caused due to rash and negligent driving of the offending vehicle, i.e. Truck bearing registration No. PB-02-N-9741 by respondent No.1. The driver and the registered owner i.e. the present appellant were held liable to pay the compensation jointly and severally. The vehicle in question is admittedly not insured.

Learned counsel for the appellant vehemently argues that the vehicle in question was sold by the present appellant on 22.09.2010 to one Deepak Kumar son of Sh. Gurdas Chand resident of Nihal Singh Sala, Tehsil and District Moga, therefore, he could not be held to pay compensation in respect of an accident which took place subsequently on 21.11.2015. The appellant was not in possession of the offending vehicle, therefore, learned Tribunal has grossly erred in this respect. 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 appellant.

The question whether the registered owner of a vehicle is liable to pay the compensation or not, in spite of the fact that the vehicle may have been sold by him, is no longer *res integra*. 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.”

Learned counsel for the appellant is unable to deny that the appellant was still the registered owner of the offending vehicle at the time of the accident. 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 truck 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.

(Lisa Gill)
Judge

May 15, 2019
rts

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