

\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Decided on: 04.09.2019*

+ **MAC.APP. 741/2019 & CM APPL. 37207/2019**

DEEPA

..... Appellant

Through: Mr. Suarabh Kansal, Advocate.

versus

CHANDRAWATI & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 37206/2019-(for delay)

1. This application seeks condonation of delay in filing of the appeal.
2. For the reasons mentioned in the application, the delay is condoned.
3. The application stands disposed-off.

MAC.APP. 741/2019 & CM APPL. 37207/2019

4. This appeal impugns the award of compensation dated 15.03.2019 passed by the learned MACT in MACT No. 928/17, on the ground that albeit, Lalit Kumar (Respondent no. 9) is recorded as the person who had purchased the vehicle, which met with the accident, the appellant is not the registered owner of the vehicle. Hence, liability should not be fastened upon her. The learned MACT has dealt with the matter and reasoned as under:-

“5. Respondent No.2/Possession Holder of the vehicle filed her reply cum objection and stated that the vehicle in question was in the name of Sh. Lalit Kumar and RG is in his name being the registered owner. It is stated that R- 2 is neither owner nor having any concern with the vehicle in question. It is stated that the vehicle In question was in the name of one Sh. Lalit Kumar S/o Sh. Ram Swaroop R/o 331, Block -6, Geeta Colony, New Delhi and RG is in his name being the registered owner and the vehicle in question was financed by Baldev Fin. Com. Office WZ 4, Ramesh Nagar, New Delhi-15 and the said RC is endorsed of Baldev Fin. Com. and the copy of the said RC/permit of contract carries issued by Transport department in their name. It is further stated that Rambir Singh, Lalit Kumar, Om Prakash and Baldev Fin. Com in active connivance with each other got taken the vehicle in question from the possession of the objector by filing the Arbitration application through one Goodman auto deals and vehicle in question was attached and taken the possession from the objector on 17.12.2015 by taking advantage of order dated 14.12.2015 from the Court of Ld. ADJ KKD Delhi by claiming them that they are the actual and genuine owner of the vehicle in question but on the ground of technicalities the vehicle in question was handed over to the objector in a broken down condition and was not in a possession to ply on the road.”

5. The owner himself admits to the ownership of the vehicle as well as to the fact that the said vehicle was involved in an unfortunate accident. The objective of the Motor Vehicles Act, 1988 is that compensation be paid to victims of motor vehicular accidents. Trying to take recourse behind technicality that the registered owner only should be made payable is unwarranted especially, in the peculiar facts of this case where the vehicle owner admits that all rights in the vehicle had been transferred to her and it

was in her possession at the time of the accident. Accordingly, the Court does not find any reason to interfere with the impugned order.

6. The appeal is accordingly dismissed.

7. The statutory amount be adjusted against the amounts payable by the appellant to the beneficiaries of the award. Accordingly, the same shall be transferred to the learned MACT concerned, alongwith interest accrued thereon for release to the beneficiaries of the award.

NAJMI WAZIRI, J

SEPTEMBER 04, 2019

AB



न्यायमेव जयते