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

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Date of Decision: 10th February, 2020

+ MAC.APP. 682/2018

BALKISHAN GUPTA

..... Appellant

Through: Mr. Prabhat Kumar Rai, Advocate
along with appellant in person.

versus

BALJIT SINGH & ORS

..... Respondents

Through: Mr. Gagan Deep Singh, Advocate for
respondent No.4.
Respondent No.1 in person.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (O R A L)

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.13,60,000/- has been awarded to respondents No.1 and 2 against the appellant.
2. The accident dated 02nd December, 2013 resulted in the death of Ravi Kumar. The deceased, Ravi Kumar was a student aged 17 years and 6 months at the time of accident and was survived by his parents who claimed the compensation. The Claims Tribunal awarded Rs.13,60,000/- to respondents No.1 and 2 against the appellant.
3. The appellant is the registered owner of the offending vehicle bearing No.DL 3C AW 7713 which was driven by respondent No.3 at the time of accident. Learned counsel for the appellant urged at the time of hearing that the appellant had returned the vehicle to respondent No.4 on 06th May, 2012

(prior to the accident dated 01st/02nd December, 2013) in exchange for a new vehicle. It is submitted that respondent No.4 had taken the liability to transfer the documents and the vehicle to the buyer of the said vehicle. It is further submitted that respondent No.4 sold the vehicle to respondent No.5. It is further submitted that the appellant is restricting the present appeal to the award being passed jointly and severally against the appellant and respondent No.3. So far as respondent No.4 is concerned, the appellant shall seek the appropriate relief in the pending civil suit. It is further submitted that the appellant does not press for any relief against the respondents No.5, 6 and 7 in this appeal.

4. There is no appearance on behalf of respondent No.3.

5. This Court is satisfied that the appellant as well as respondent No.3 are jointly and severally liable to pay the compensation amount to respondents No.1 and 2.

6. This appeal is allowed and the impugned award is modified to the extent that the appellant as well as respondent No.3 are jointly and severally liable to pay the award amount of Rs.13,60,000/- along with interest accrued thereon to respondents No.1 and 2.

7. The appellant has deposited Rs.3,00,000/- with the Registrar General of this Court in terms of the order dated 27th July, 2018. Respondent No.1 present in Court has produced the passbook of his savings bank account as well as savings bank account of respondent No.2. The particulars of their savings bank accounts are as under:-

1. Baljit Singh (Respondent No.1)
A/c No.3343000100024011
Punjab National Bank, Kharanti Branch
District Rohtak, Haryana

IFSC Code: PUNB0334300

2. Anita (Respondent No.2)
A/c No.3343000100080770
Punjab National Bank, Kharanti Branch
District Rohtak, Haryana
IFSC Code: PUNB0334300

8. The Registrar General is directed to release the aforesaid amount of Rs.3,00,000/- along with interest accrued thereon as well as the statutory amount of Rs.25,000/- deposited by the appellant, to respondents No.1 and 2 by instructing UCO Bank, Delhi High Court Branch as under:-

(i) Rs.50,000/- be transferred to the savings bank account of respondent No.1 within three weeks.

(ii) The balance amount be transferred to savings bank account of respondent No.2 within three weeks.

9. The interim order dated 27th July, 2018 is vacated.

10. Respondents No.1 and 2 are at liberty to execute this award in accordance with the law against the appellant and respondent No.3.

11. The appellant is also at liberty to pursue the legal remedies against respondent No.4 in accordance with the law.

12. Copy of this judgment be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

FEBRUARY 10, 2020
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