

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL (STAMP) NO. 23463 OF 2015
WITH
CIVIL APPLICATION NO.10104 OF 2015
IN FIRST APPEAL (ST) NO. 23463 OF 2015

Laxman Mahadeo Lade,
Age; Major, Occ; Business,
R/o; Waka Post Sirsala,
Tq. Parali Vaijinath Dist. Beed.

...Appellant

(Original Respondent No. 1)

VERSUS

1. Vimalbai Achutrao Takankhar,
Age; 42 years, Occ; Household,
2. Vishal Achutrao Takankhar,
Age; 21 years, Occ; Education,
3. Puja Achutrao Takankhar,
Age; 16 years, Occ; Education,
U/G. Respondent No. 1.

All R/o; Jaibhim Nagar,
Majalgaon, Tq. Majalgaon, Dist. Beed.

4. Shaikh Rafiq Shaikh Yusuf (Tamboli)
Age; Major Occ; Driver,
R/o. Zenda Chowk, Majalgaon,
Tq. Majalgaon, Dist. Beed.

...Respondents

(Respdt. Nos. 1 to 3 Original Complainants
Respdt. No.4 is Original Respondent No.2.)

...

Advocate for Appellant : Mr. T.G.Gaikwad
Advocate for Respondent Nos. 1 to 3 : Mr.Bhosale Ramdas B.
Advocate for Respondent No. 4 : Mr.Jethliya Dhiraj R.

...

CORAM : VINAY JOSHI, J.

DATE : 24th JANUARY 2022.

ORAL JUDGMENT :

1. Heard finally at the stage of admission by consent of both learned counsel.

2. This appeal is by the original owner of the offending vehicle namely Mahindra Scorpio Jeep, bearing registration No. MH-42-H-4104, challenging the order passed by the Motor Accident Claims Tribunal, Beed, under Section 140 of the Motor Vehicles Act.

3. Respondent Nos. 1 to 3 are the original claimants. It is their case that one Achutrao, while travelling by the aforesaid offending vehicle met with an accident, in which he died. It is their case that the vehicle was being driven in high speed and due to the sudden application of breaks, Achutrao fell sustaining injuries of grievous nature to which he succumbed.

4. The Claimants' application for grant of compensation on No Fault Liability basis has been allowed. The said application was resisted by the appellant (respondent No. 1) contending that though he was erstwhile owner of the vehicle, however, prior to the accident

he had sold the vehicle. He would submit that he had sold the offending vehicle to respondent No. 2 on 02.01.2012 i.e. prior to the accident which took place on 04.10.2012. In support of said contention, he has produced a copy of notarized agreement.

5. Admittedly, on the date of accident the appellant was the registered owner of the offending vehicle. The appellant's learned counsel is unable to support his contention by showing any provisions of law or the president, that though he is registered owner, due to sale under notarized document he is not liable for No Fault Liability claim.

6. It is relevant to note that the vehicle is involved in the accident and the appellant is the registered owner of the vehicle. There is no dispute that Achutrao died in a vehicular accident having involvement of Balero Jeep. At this stage, the point of negligence is not required to be gone into.

7. In view of that the impugned order cannot be faulted with. Hence the appeal stands dismissed.

8. Civil Application No. 10401 of 2014 stands disposed of.

(VINAY JOSHI, J.)