

FAO-4565-2017

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4565-2017

Date of Decision: December 20, 2022

Smt. Kaushalya Devi

...Petitioner

Versus

Manjeet Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Subhashish Kukreti, Advocate for the appellant.

DEEPAK GUPTA, J.(Oral)

Registered owner of the offending vehicle is in this appeal against the Award dated 06.12.2016 by learned MACT, Bathinda in MACT case bearing CIS No.241 of 2014, whereby compensation to the tune of ₹13,50,000/- has been allowed along with interest to the claimants-respondent Nos.1 to 5.

2. Only contention raised by learned counsel for the appellant is that he had already sold the offending vehicle much prior to the accident.

3. There is no merit in the contention, as it is conceded by learned counsel that on the date of accident, appellant was still a registered owner of the vehicle. The issue has been settled by the Hon'ble Supreme Court of India in case of *Naveen Kumar vs Vijay Kumar* reported as AIR 2018 (SC) 983, wherein it has been held:-

“4. On behalf of the appellant, it has been submitted that the High Court has proceeded on a manifestly erroneous construction of the legal position. It has been urged that [Section 2\(30\)](#) of the Motor Vehicles Act, 1988 indicates that the person in whose name a motor vehicle is registered is the owner and the only two exceptions to that

principle are where such a person is a minor or where the subject vehicle is under a hire purchase agreement. The decision of this Court in Purnya Kala Devi (supra), it has been submitted, related to a situation where the offending vehicle had been requisitioned by a state government. Similarly, the decision in Reshma (supra) dealt with a situation where the vehicle had been financed against a hypothecation agreement. It was in this background that this Court held that the person in possession of the vehicle under a hypothecation agreement was to be treated as the owner. Having 1 (2015) 3 SCC 679 2 (2014) 14 SCC 142 regard to the definition contained in [Section 2\(30\)](#), it was urged that the High Court was in error in foisting the liability on the appellant who is not the registered owner of the vehicle. Learned counsel appearing on behalf of the appellant submitted that in Pushpa alias Leela v Shakuntala³, the position has been clarified by holding that where notwithstanding the sale of a vehicle, neither the transferor nor the transferee have taken any step for change in the name of owner in the certificate of registration, the person in whose name the registration stands must be deemed to continue as the owner of the vehicle for the purposes of the Act.”

4. In view the legal position as above, it is held that the appellant, being the registered owner of the offending vehicle, cannot escape from his liability to pay the compensation amount.

5. As such, finding no merit in this appeal, same is dismissed.

December 20, 2022

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No