



C.M.A.No.4580 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 06.12.2023**

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

**C.M.A.No.4580 of 2019**

Mani

... Appellant

Vs.

1.Rathinagiri Rural Hospital Society,  
Rathinagiri,  
Walajah Taluk,  
Vellore District.

2.Mahendiran

... Respondents

**Prayer:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Decree and Judgment dated 30.04.2015 made in M.C.O.P.No.484 of 2012 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Vellore.

For Appellant : Mr.C.Prabakaran

For Respondents : Mr.V.Parivallal [R1]  
Not ready in Notice [R2]

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## **JUDGEMENT**

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The appellant/claimant has preferred the present appeal on the ground that the Tribunal has fastened the liability as against the second respondent, instead of first respondent.

2. As per the claim petition, on 06.09.2010 at about 7.30 hours, when the claimant was riding his bicycle on the Vellore to Thiruvannamalai Raod, near Thuthipet S.P.Hotel, the second respondent driven the ambulance van bearing Regn.No.TN-23-X-7477, which was owned by the first respondent, in a rash and negligent manner and dashed against the claimant, thereby the claimant fell down and sustained grievous injuries all over his body. Immediately, he was admitted in Government Hospital, Adukkamparai. Thereafter, the claimant filed a claim petition claiming a sum of Rs.10,00,000/- as compensation for the injuries sustained by him.

3. Before the Tribunal, the claimant examined himself as P.W.1 and examined the doctor as P.W.2 and marked 8 documents viz., Ex.P.1 to Ex.P.8. On the side of the respondents, they have examined one



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witness viz., R.W.1 and marked 7 documents viz., Ex.R.1 to Ex.R.7.

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After adjudication, the Tribunal passed an award awarding a sum of Rs.2,02,951/- as compensation directing the second respondent to pay the said compensation to the claimant. Challenging the same, the claimant is before this Court.

4. The learned counsel appearing for the appellant submitted that, the registration of the offending vehicle stands in the name of the first respondent, however, subsequently, the first respondent sold the same in favour of the second respondent and the second respondent not taken any effective steps to register the same with the Motor Vehicle Department. At the time of accident, the vehicle stands in the name of the first respondent, however, the Tribunal erroneously fixed liability as against the second respondent, which is wholly unsustainable. Accordingly, he prays for allowing the appeal.

5. Per contra, the learned counsel appearing on behalf of the first respondent submitted that, the first respondent is a charitable trust, namely Rathinagiri Rural Hospital Society and they alienated the entire



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materials in favour of the second respondent vide agreement dated 04.07.2011, in which, the second respondent entered contract with the Founder of the first respondent and the second respondent purchased the van in a good running condition on 20.05.2009. Accordingly, executed delivery note and sale receipt in favour of the first respondent and the second respondent undertaken that he is the absolute owner and in possession of the vehicle from 20.05.2009. Further, he submitted that the accident had happened on 06.09.2010. Though the first respondent has not taken any steps to mutate the records for transfer of ownership, the Tribunal by considering all the oral and documentary evidence, has rightly fixed the liability as against the second respondent, which is wholly sustainable and the same does not require any interference. Accordingly, he prays for dismissal of the appeal.

6. Heard the learned counsel appearing for the appellant and the learned counsel appearing on behalf of the first respondent and also perused the materials available on record.

7. The factum and manner of the accident is not in dispute.



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Therefore, this Court is not entering into said aspect. The only grievance of the appellant is with regard to fixation of liability as against the second respondent. It is pertinent to note that the appellant/claimant has no locus-standi to file the present appeal questioning the liability fastened by the Tribunal as against the second respondent, since he is not an aggrieved person. Further, as per Section 50 of Motor Vehicles Act, initial burden lies on the transferor to inform the registering authority within whose jurisdiction to transfer has to be effected within 14 days from the date of transfer, report the effect of the transfer. In the case on hand, the first respondent has intimated about the transfer to the registering authority, however, it is established on the first respondent that they have sold the vehicle to the second respondent and the possession of the vehicle was taken over the second respondent on 20.05.2009 itself. Hence, it is the duty of the second respondent to apply the name transfer before the registering authority within 30 days as contemplated under Section 50 of Motor Vehicles Act. Therefore, the Tribunal has held that the second respondent was the owner of the vehicle at the time of accident and fixed the liability on the second respondent, which cannot be said to be erroneous. Hence, this Court is not inclined to interfere with the



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award passed by the Tribunal.

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8. Accordingly, the Civil Miscellaneous Appeal is dismissed and the judgment and decree dated 30.04.2015 made in M.C.O.P.No.484 of 2012 passed by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Vellore is confirmed. No costs.

**06.12.2023**

Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation Case : Yes / No  
sp

To

1.The Motor Accident Claims Tribunal,  
Chief Judicial Magistrate Court,  
Vellore.

2.The Section Officer,  
V.R.Section,  
High Court, Madras.



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**M.DHANDAPANI, J.,**

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