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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 22.09.2023

+ **MAC.APP. 441/2023**
 SH ARUN KUMAR Appellant
 Through: Mr.Devendra Kumar, Adv.

versus

SH TUNTUN TANTI AND ORS Respondents
 Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

CM APPL. 49306/2023 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This appeal has been filed challenging the Award dated 30.03.2022 (hereinafter referred to as the 'Impugned Award') passed by the learned Motor Accident Claims Tribunal, North-West District, Rohini Courts, Delhi (hereinafter referred to as the 'Tribunal') in MACT No. 335/2019, titled *Sh. Tuntun Tanti & Others v. Sh. Sunny & Another*.

3. The appeal has been filed with a delay of 510 days. It is asserted that the appellant never visited the learned Tribunal for hearing, because he was told by his previous counsel appearing before the learned Tribunal that he is not required to appear before the learned Tribunal. It is asserted that the appellant



came to know of the Impugned Award only when the Police visited his residence to realize the compensation amount awarded to the respondent nos. 1 to 3/ Claimants by the Impugned Award.

4. I do not find the above reason to be sufficient to condone the delay in filing of the present appeal. Even assuming the above explanation to be true, the appellant cannot blindly follow the advice of the counsel and not take the Court proceedings seriously, and not defend the same.

5. The present appeal is, therefore, liable to be dismissed on the ground of limitation alone.

6. Even otherwise, I find no ground being made out by the appellant on merits as well to interfere with the Impugned Award.

7. The limited challenge of the appellant to the Impugned Award is on the ground that the appellant had transferred the offending vehicle, that is, the motorcycle bearing no.DL-5SX-7821, by which the accident was caused by the respondent no.4 herein/respondent no.1 in the Claim Petition, to the respondent no.4 herein on 28.07.2018, that is, much prior to the date of the accident in question, which had taken place on 01.10.2018. He submits that, therefore, only the respondent no.4 herein should have been made liable to pay compensation to the claimants, that is, the respondent nos.1 to 3 herein.

8. I do not find any merit in the above challenge by the appellant to the Impugned Award.



9. In ***Naveen Kumar v. Vijay Kumar and Others***, (2018) 3 SCC 1, the Supreme Court after considering the definition of the term ‘owner’ as defined in Section 2(30) of the Motor Vehicles Act, 1988, has observed as under:-

“13. The consistent thread of reasoning which emerges from the above decisions is that in view of the definition of the expression "owner" in Section 2(30), it is the person in whose name the motor vehicle stands registered who, for the purposes of the Act, would be treated as the "owner". However, where a person is a minor, the guardian of the minor would be treated as the owner. Where a motor vehicle is subject to an agreement of hire purchase, lease or hypothecation, the person in possession of the vehicle under that agreement is treated as the owner. In a situation such as the present where the registered owner has purported to transfer the vehicle but continues to be reflected in the records of the Registering Authority as the owner of the vehicle, he would not stand absolved of liability. Parliament has consciously introduced the definition of the expression "owner" in Section 2(30), making a departure from the provisions of Section 2(19) in the earlier 1939 Act. The principle underlying the provisions of Section 2(30) is that the victim of a motor accident or, in the case of a death, the legal heirs of the deceased victim should not be left in a state of uncertainty. A claimant for compensation ought not to be burdened with following a trail of successive transfers, which are not registered with the Registering Authority. To hold otherwise would be to defeat the salutary object and purpose of the Act. Hence, the interpretation to be placed must facilitate the fulfilment of the object of the law. In the present case, the first respondent was the "owner" of the vehicle involved in the accident within the meaning of Section 2(30). The



liability to pay compensation stands fastened upon him. Admittedly, the vehicle was uninsured. The High Court has proceeded upon a misconstruction of the judgments of this Court in Reshma and Purnya Kala Devi.

14. The submission of the petitioner is that a failure to intimate the transfer will only result in a fine under Section 50(3) but will not invalidate the transfer of the vehicle. In T.V. Joses, this Court observed that there can be transfer of title by payment of consideration and delivery of the car. But for the purposes of the Act, the person whose name is reflected in the records of the Registering Authority is the owner. The owner within the meaning of Section 2(30) is liable to compensate. The mandate of the law must be fulfilled.”

10. As it is admitted that as on the date of the accident, the vehicle stood registered in the name of the appellant, the learned Tribunal has rightly made the appellant liable to pay the compensation to the claimants, that is, the respondent nos.1 to 3 herein.

11. The appeal is, accordingly, dismissed both on the ground of delay and also on merits.

12. There shall be no order as to costs.

13. The statutory amount deposited by the appellant along with interest accrued thereon shall be transferred to the learned Tribunal to be paid to the claimants in partial discharge of the liability of the appellant under the Impugned Award.

NAVIN CHAWLA, J

SEPTEMBER 22, 2023/rv/AS

Signature Not Verified

Digitally Signed By: SUNIL

Signing Date: 26.09.2023

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