



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**FAO-4134-2024 (O&M)
Date of Decision : 03.09.2024**

MAHINDER

.... Appellant

VERSUS

PAL SINGH AND OTHERS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashok Kumar Khunger, Advocate for the appellant.

ALKA SARIN, J. (ORAL)

CM-15156-CII-2024

1. This is an application under Section 5 of the Limitation Act, 1963 for condonation of delay of 26 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed. Delay of 26 days in filing the main appeal is condoned.

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3. The present appeal has been preferred by the appellant challenging the award dated 10.04.2024 passed by the Motor Accident Claims Tribunal, Fazilka (hereinafter referred to as 'the Tribunal') on the ground that the appellant could not have been held responsible for the accident inasmuch as he had sold the vehicle i.e. tractor Eicher 241 bearing registration No.PB-60-A-7179 (hereinafter referred to as 'the offending vehicle') to respondent No.4 herein.

4. It is the contention of the learned counsel for the appellant that the claimants themselves had impleaded the subsequent purchaser of the

offending vehicle as a party and hence it has been admitted by both the parties that the offending vehicle had been sold to respondent No.4 herein.

5. Heard.

6. In the present case the appellant is admittedly the registered owner of the offending vehicle i.e. tractor Eicher 241 bearing registration No.PB-60-A-7179 though it has been contended that the same stood sold to respondent No.4 on the basis of an affidavit. The Hon'ble Supreme Court in the case of **Naveen Kumar V/s Vijay Kumar & Ors. [2018 (2) RCR (Civil) 74]** has held as under :

“12. 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 Act of 1939. 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."

The Hon'ble Supreme Court in the case of **Naveen Kumar** (supra) has laid down that the registered owner of the offending vehicle cannot be absolved of his responsibility as long as the vehicle is registered in his name. The Hon'ble Supreme Court has further noticed that where a registered owner has purportedly sold and transferred 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 the liability.

7. In view of the above, I do not find any merit in the present appeal. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

8. Needless to say that the appellant would always be at liberty to initiate proceedings for recovery against respondent No.4 in accordance with law.

03.09.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No