



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-4975-2024 (O&M)
Date of Decision:-26.09.2024

SATINDER SINGH

... Petitioner

Versus

MANJIT KAUR AND OTHERS

... Respondents

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CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present:- Mr. Yajur Sharma, Advocate
for the petitioner.

RITU TAGORE, J. (Oral)

1. This revision is directed against the order dated 17.05.2024 (Annexure P-4), passed by learned Motor Accident Claims Tribunal, Amritsar, whereby an application, filed by the petitioner, under Order 1 Rule 10 Code of Civil Procedure (in short 'CPC'), 1908 to implead subsequent purchaser of the offending vehicle, has been dismissed.
2. Learned counsel for the petitioner contends that respondents No.1 and 2, instituted a claim petition under Section 166 of Motor Vehicles Act, 1988 (Annexure P-1), against the petitioner and respondent No.3 on account of death of Ravinder Singh, occurred in a motor vehicular accident on 29.11.2018, involving the vehicle No.PB-02-AW-0007.
3. It is stated that the petitioner was arrayed as respondent No.2, owner of offending vehicle No.PB-02-AW-0007 and respondent No.1 as the



alleged driver. Learned counsel contends that upon appearance, petitioner filed written statement (Annexure P-2) and pleaded that he was not owner of the offending vehicle, at the time of alleged accident on 29.11.2018, as he had already sold the vehicle to respondent No.4. He also moved an application under Order 1 Rule 10 read with Section 151 CPC for impleading respondent No.4 as necessary party being owner in possession of the offending vehicle. It is urged that learned Tribunal, however, dismissed the application, in arbitrary manner, concluding that no date and month of the said sale and supporting documents were placed on record, to indicate that vehicle was sold. Learned counsel submits that learned Tribunal failed to appreciate that documents of transfer were with respondent No.4 and it was for respondent No.4 to do the needful for change of ownership. Learned counsel referred to the judgment of Hon'ble the Supreme Court **Karikho Kri Vs. Nuney Tayang, AIR Supreme Court 2121**, to contend that mere failure to get the name of the new owner registered, would not make the transaction invalid. It is further submits that agreement to sell (Annexure P-5), shows that vehicle was sold in June, 2009 and it's possession was also delivered to respondent No.4. He was responsible to get his name entered in the records and was also responsible for any damage and loss arising out of use of the vehicle, after the sale. In these circumstances, learned counsel states that he is necessary party, to be impleaded for just decision of the case. Hence, a prayer is made to allow the petition by setting aside the impugned order.

5. I have heard learned counsel for the petitioner and perused the paper-book.



6. The contention of the learned counsel that presence of respondent No.4 is necessary for effective decision of the case is clearly not tenable in the light of definition of the owner, as contained in the Motor Vehicles Act, 1988 (in short referred to as the Act). Section 2(30) of the Act 1988, reads as under:

(30) “owner” means a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;

7. A plain reading of the section reveals that the person in whose name a motor vehicle stands registered is the owner of the vehicle for the purpose of the Act. Where such a person is a minor, the guardian of the minor would be the owner. In relation to a motor vehicle, which is the subject of an agreement of hire purchase, lease or hypothecation, the person in possession of the vehicle under that agreement would be the owner. The case of petitioner does not fall in any of the three categories, specified in the above-mentioned Section. In **Naveen Kukar vs. Vijay Kumar and Others, 2018(3) SCC 1**, there were successive transfers of the vehicle. It was held that registered owner was liable. **Surender Kumar Bhilawe vs. The New India Assurance Company Limited, 2020(18)224**, is factually distinguishable. It was the case where claim by the original/registered owner was rejected by insurance company. It was held that insurance company cannot run away from payment to third party. **National Insurance Co. Ltd.**



vs. Deepa Devi & Ors, 2008 AIR SC 735, was a case of requisition of the offending by the State. **Vaibhav Jain vs. Hindustan Motors Pvt. Ltd. 2024(4) RCR(Civil) 120**, is also factually distinguishable. It was a case wherein M/s Hindustan motors was the owner of the vehicle though Vaibhav Motors, the dealer was in possession of the vehicle. The facts of the present case are clearly distinguishable. The petitioner is admittedly the registered ‘owner’ of the offending vehicle. In view of the definition of the owner, it is petitioner being the registered owner, is the necessary for the just decision of the petition. The vendee-respondent No.4 does not fall in the category of the definition of the owner, is therefore, neither a necessary nor proper party.

8. As a sequel to the foregoing discussion, it is held that the learned trial Court has rightly exercised the jurisdiction that vested in it and the order does not suffer from any illegality, irregularity, infirmity or perversity so as to warrant any intervention by this Court. Accordingly, the revision petition is dismissed.

9. Since the main case has been decided, pending miscellaneous application(s), if any, are also disposed of accordingly.

26.09.2024
Gaurav Sorot

(RITU TAGORE)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No