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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 22nd May, 2024+ **MAC.APP. 729/2018, CM APPL. 31867/2018 CM APPL. 31868/2018****SHAKIR ALI**

..... Appellant

Through: Mr.Balwan Singh, Advocate.

versus

RAJ KUMAR & ORS

..... Respondents

Through: Mr.Sunil Kumar, Advocate for R-1.

Mr.Sachin Kaushik, Advocate for R-2.

CORAM:**HON'BLE MR. JUSTICE DHARMESH SHARMA****DHARMESH SHARMA, J. (ORAL)**

1. The appellant, who is evidently the registered owner of the offending vehicle bearing registration No.DL-8CN-1722, prefers this appeal under Section 173 of the Motor Vehicles Act, 1988¹ assailing the impugned judgment-cum-award dated 16.12.2017 passed by learned Presiding Officer, MACT, Shahdara Karkardooma Courts, Delhi² insofar as it has imposed the liability to pay compensation to the claimant upon him.

2. Shorn of unnecessary details, the claimant/Raj Kumar was riding on his motorcycle bearing registration No.DL-5S-BJ-3603 on

¹ M.V. Act

² Tribunal



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11.02.2015 at about 9.00 AM, when he was hit by Accent car bearing registration No. DL-8CN-1722, being driven by its driver in a rash and negligent manner resulting in physical injuries to the claimant.

3. DAR³ was filed on such facts and treating it as an application/claim for compensation case under Section 146 and Section 140 of Motor Vehicles Act, notice was issued to respondent No.1/driver, who although acknowledged that he was driving the offending vehicle but he denied that it was involved in an accident and denied his liability to pay any compensation. Respondent No.2 i.e. the present appellant, who was registered owner of the vehicle moved an application for discharge but the same was dismissed in default for non-appearance on 25.07.2016. Both respondent No.1 and respondent No.2 were proceeded ex-parte and it was observed by the learned Tribunal that respondent No.1 was blamed worthy for driving the offending vehicle in a rash and negligent manner and causing injuries to the claimant, the learned Tribunal has awarded total compensation of Rs.2,55,100/- with interest @ 9% to the claimant from the date of filing of the petition till realisation.

4. Insofar as the liability to pay the compensation is concerned, it is admitted fact that the offending vehicle was not insured for third party risk. Hence the learned Tribunal held that both respondent No.1 and 2 were jointly and severally liable to pay compensation to the victim/claimant/injured.

5. The appellant in the present appeal, primarily claims that he had already sold the car to respondent No.3, who was not impleaded by

³ Detailed Accident Report



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the learned Tribunal, and therefore, he is not liable to pay any compensation to the claimant /injured. On the filing of the present appeal, the operation of the impugned judgment-cum-award was ordered to be stayed vide order dated 08.08.2018 which is continuing till date.

6. During the course of hearing, learned counsel for respondent No.1/driver submitted that he had already deposited almost half of the amount with the learned Tribunal towards his part of liability. Learned counsel for the appellant also urged that some amount of compensation has also been deposited by him with the learned Tribunal. However, no details have been supplied.

7. Without further ado, the plea by the appellant that although he was registered owner of the vehicle but was not liable to pay compensation to the victim/claimant as he had sold the vehicle to respondent No.3 cannot be sustained as that alone does not absolve him from the liability to pay compensation in terms of Section 50 of the Motor Vehicles Act. Although much is urged that the offending vehicle was sold to respondent No.3/Salim, S/o Ali Hasan on 16.12.2014, much prior to the date of the accident and physical delivery of the car was given on such date, so long as the appellant was the registered owner of the vehicle in terms of Section 2(30)⁴ of the Motor Vehicles Act in the records of the State Transport

⁴ (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;



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Authority, he cannot escape his liability to compensation to the respondent No.1/claimant.

8. In view of the above, the present appeal is dismissed.

9. The interim order dated 08.08.2018 passed by this Court is hereby vacated. The respondent No.1/claimant shall be at liberty to seek execution of the award of compensation before the learned Executing Court/Tribunal in accordance with law. The amount of Rs.25,000/- towards statutory deposit be also released to the claimant.

10. Pending application is also disposed of.

DHARMESH SHARMA, J.

MAY 22, 2024/VLD

Signature Not Verified

Digitally Signed By: PRANJAY KUMAR VATS
Signing Date: 24.05.2024
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