

2025:PHHC:033892



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

260

FAO-2280-2015 (O&M)

Date of Decision : 10.03.2025

LAKHWINDER SINGH

.... Appellant

VERSUS

RAM PAL AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naveen Batra, Advocate for the appellant.

Service of respondents No.1 and 2 dispensed with
vide order dated 14.11.2024.

Mr. Suman Jain, Advocate and
Mr. Man Mohan, Advocate for respondent No.3.

Mr. Rajbir Wasu, Advocate for respondent No.4.

ALKA SARIN, J. (ORAL)

1. The present appeal has been filed by the claimant-appellant challenging the award dated 15.01.2014 passed by the Motor Accident Claims Tribunal (Adhoc), Fast Track Court, Hoshiarpur (hereinafter referred to as the 'Tribunal') rejecting the claim petition for grant of compensation on account of damage to the Innova car in a roadside accident.

2. Learned counsel for the claimant-appellant would contend that the claim petition was filed by the claimant-appellant, namely, Lakhwinder Singh who is the registered owner of the vehicle and that the insurance policy also stood in his name. Learned counsel would further contend that merely because the attorney had stated that he had purchased the vehicle,

therefore, the claim petition was dismissed. Learned counsel has relied upon the judgment of the Supreme Court in the case of **Naveen Kumar vs. Vijay Kumar & Ors. [2018 (2) RCR (Civil) 74]** to contend that the liability even under the motor accident claim cases is always on the registered owner.

3. *Per contra*, learned counsel for respondent No.3 would contend that since Lakhwinder Singh had sold the vehicle, hence, the claim petition was not maintainable at his behest and the same was rightly dismissed by the Tribunal.

4. Learned counsel for respondent No.4 would contend that respondent No.4 cannot be held liable as in the claims relating to own damage, claim has to be adjudicated upon under the Consumer Protection Act, 1985. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in the case of **Oriental Insurance Co. Ltd. V/s Rajni Devi & Ors. [2008 (4) RCR (Civil) 905]**.

5. Heard.

6. In the present case the only reason the claim petition was dismissed is on the ground that although the registered owner had filed the claim petition, however, when Hardeep Singh stepped into the witness box he had stated that he had purchased the vehicle. The claim petition was filed by Lakhwinder Singh who is the registered owner.

7. The Hon'ble Supreme Court in the case of **Naveen Kumar** (supra) 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."

In view thereof, the finding of the Tribunal that on 02.04.2010 Lakhwinder Singh was not the owner of the Innova Car cannot be accepted as the car stood registered in the name of Lakhwinder Singh. Even the insurance policy was in the name of Lakhwinder Singh.

8. In view of the above, the impugned award cannot be sustained and the same is accordingly set aside. The matter is remanded to the successor Presiding Officer of the Tribunal concerned for decision of the claim petition afresh, on merits, in accordance with the law. Parties shall appear before the Tribunal concerned on **07.04.2025 at 10.00 am**.

9. The argument of the learned counsel for respondent No.4 that respondent No.4 cannot be held liable is not being adjudicated upon at this

stage as the matter is remanded back for decision afresh in accordance with law. However, needless to mention that respondent No.4 would always be at liberty to raise all the pleas before the Tribunal concerned.

10. The present appeal stands disposed off in the above terms. Pending applications, if any, also stand disposed off.

10.03.2025

Aman Jain

(ALKA SARIN)

JUDGE

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