IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107 **FAO-4542-2022 (O&M)**
Date of decision :17.09.2025

PAWAN KUMAR AND ANR ... APPELLANTS

VERSUS

SANDHYA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Dharambir Bhargav, Advocate,
Mr. Kulwinder Bhargav, Advocate and
Mr. Sagar Bathla, Advocate
for the appellants.

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PARMOD GOYAL, J. (ORAL)

CM-13916-CII-2022

This is an application for condonation of delay of 1653 days in refiling the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 1653 days in refiling the present appeal, is hereby condoned.

Main Case

1. The appellants, namely the driver and owner of the offending motorcycle bearing Engine No. HA10EJE9B06794 and Chassis No. MBLHA10AME9B06076, have filed the present appeal being aggrieved by the award dated 12.10.2017 passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as 'the Tribunal').

2. The sole argument raised on behalf of learned counsel for the appellants for assailing the award dated 12.10.2017 is that the learned Tribunal has erred in fixing liability upon respondent Nos. 1 and 2, while respondent No.

3 (the Insurance Company) is absolved of its obligation to indemnify respondent No. 2 from payment of compensation. The Insurance Company, on the other hand, contended that the vehicle was being plied in contravention of the terms and conditions of the insurance policy, specifically on the ground that it was being driven without driving license and registration certificate.

3. The Insurance Company duly placed on record the invoice of the vehicle, establishing that it was purchased on 27.02.2014. The accident in question occurred on 23.10.2014, whereas the registration of the vehicle was effected much later, on 17.07.2015, as is evident from Exhibit R-1, i.e., the verification report issued by the Registering Authority (M.V.), Bilaspur (Yamuna Nagar).

4. The facts pleaded by the Insurance Company to repudiate its liability are, therefore, clearly substantiated by the evidence on record. The learned counsel for the appellants was unable to point out any material which could dislodge the finding that the vehicle, although purchased on 27.02.2014, remained unregistered for approximately one and a half years. Consequently, the vehicle could not have been lawfully plied on the road beyond the 30-day period permitted for the temporary registration under Section 43(2) proviso to Motor Vehicles, Act, 1988. No material has been shown by appellant that when the period of temporary registration expired, the appellant / owner of the vehicle either applied for permanent registration as contemplated under Section 39 of the Act or made any application for extension of period as temporary registration. The non-registration of the vehicle as on the date of the accident (23.10.2014) unequivocally establishes that neither respondent No. 1 (driver) nor respondent No. 2 (owner) had the legal authority to operate the vehicle on a public road without a valid registration certificate.

5. The operation of the vehicle without a valid registration as on the date of the accident constitutes a clear fundamental violation of the provisions of the Motor Vehicles Act, 1988, as well as the conditions stipulated under the insurance policy. Section 39 of Motor Vehicles Act, 1988 mandates that no owner shall or permit vehicle to ply vehicle in public place unless vehicle is registered. In ***Narinder Singh Vs. New India Assurance Company and others***, 2014 (9) SCC 324 Hon'ble Supreme Court had held :

> "Indisputably, a temporary registration was granted in respect of the vehicle in question, which had expired on 11.1.2006 and the alleged accident took place on 2.2.2006 when the vehicle was without any registration. Nothing has been brought on record by the appellant to show that before or after 11.1.2006, when the period of temporary registration expired, the appellant, owner of the vehicle either applied for permanent registration as contemplated under Section 39 of the Act or made any application for extension of period as temporary registration on the ground of some special reasons. In our view, therefore, using a vehicle on the public road without any registration is not only an offence punishable under Section 192 of the Motor Vehicles Act but also a fundamental breach of the terms and conditions of policy contract. Accordingly, no case for interference with the findings of the learned Tribunal is made out. The Insurance Company has been rightly held not liable to pay compensation. The appeal is, therefore, dismissed."

6. The appeal is also liable to be dismissed on the ground of non-compliance with the mandatory requirement of depositing the statutory amount of ₹25,000/- at the time of filing the appeal, as required under Section 173 of the Motor Vehicles Act. Although, at the time of filing the appeal in 2022, the appellants had undertaken to deposit the said amount during the pendency of the proceedings, no such deposit has been made till date. The failure to deposit the statutory amount renders the appeal liable to be dismissed on this ground as well.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

17.09.2025 **(PARMOD GOYAL)**
manoj **JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No