



228

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

FAO-5183-2017 (O&M)
Date of decision: 18.08.2025

Gurtej Singh

...Appellant

Versus

Anmol Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.K.S. Phoolka, Advocate for the appellant.

VIKAS BAHL, J. (ORAL)

CM-15993-CII-2017

1. This is an application filed under Section 151 of CPC read with Section 5 of the Limitation Act, for condonation of delay of 9 days in refiling the appeal.

2. For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and delay of 9 days in refiling the present appeal is condoned.

Main case

1. Challenge in the present appeal is to the award dated 28.11.2016 by the appellant-Gurtej Singh who is the registered owner of the offending vehicle no.HR-24C-7173. The Motor Accident Claims Tribunal, Sirsa (hereinafter to be referred as “the Tribunal”) vide award dated 28.11.2016 had partly allowed the claim petition filed by the claimants on account of death of Smt. Harjeet Kaur, wife of Tejwant Singh, in a motor vehicular



accident which took place on 07.07.2012 at about 02/02:30 pm near District Courts, Sirsa and had awarded compensation of Rs.37,97,100/- in favour of the claimants and Amandeep Kaur who was the daughter of the deceased. The present appellant, who was the registered owner of the offending jeep, along with respondent Shankar Lal, who was the driver of the offending vehicle, and Subhash Chander were jointly and severally liable to pay the said amount along with interest.

2. Learned counsel for the appellant has argued that the appellant although was registered owner of the vehicle in question but prior to the date of the accident, had transferred the said jeep to Subhash Chander. It is submitted that in view of the same, the finding of the Tribunal to the effect that the present appellant is also jointly and severally liable to pay the compensation is against law and deserves to be set aside and the appeal filed by the present appellant to the said effect deserves to be allowed.

3. This Court has heard learned counsel for the appellant and has perused the paper book.

4. The Tribunal, while rejecting the plea raised by the present appellant, had relied upon the judgment of the Hon'ble Supreme Court in the case of **P.P. Mohammed Vs. K. Rajappan and others** reported as **2003 ACJ 1595** in which it was observed that in case where the owner had transferred his car and the said transfer was before the time the accident, however ownership has not been transferred in the records of the RTO, then, the registered owner would continue to be liable to the third party in addition to the person in whose possession the vehicle was found. It was further observed by the Tribunal that the present appellant had not been able to show



that at the time of the accident, the said Subhash Chander was in possession of the jeep and thus, held the present appellant also liable jointly and severally along with the driver and the said Subhash Chander.

5. The Hon'ble Supreme Court in the case of **P.P. Mohammed** (Supra), had observed that the appellant therein who had transferred the vehicle to respondent No.4 therein, who thereafter had further transferred it to respondent No.5 therein, could not be absolved of his liability to third person who was injured, as a person in whose name the vehicle in question stands in the RTO records would not be absolved of his liability towards the said third person. It was further observed that as long as name of the person continues in RTO records, he would remain liable to a third person. Relevant portion of the said judgment is reproduced hereinbelow:-

“3. The appeals were filed by Respondents 4 and 5 before the High Court. The High Court has by the impugned judgment held that the appellant alone was liable to pay the compensation because the name of the appellant continued in the records of RTO. The High Court held that the appellant continued to be the owner of the vehicle. The High Court has also held that as the appellant was liable, he was entitled to be indemnified by the insurance company in terms of the insurance policy.

*4. These appeals are filed by the appellants. The insurance company has chosen not to file any appeal. **The question before this Court is whether by reason of the fact that the vehicle has been transferred to Respondent 4 and thereafter to Respondent 5, the appellant got absolved from liability to the third person who was injured. This question has been answered by this Court in T.V. Jose (Dr.) v. Chacko P.M., (2001) 8 SCC 748, wherein it is held that even though in law there would be a transfer of ownership of the vehicle, that, by***



itself, would not absolve the party, in whose name the vehicle stands in RTO records, from liability to a third person. We are in agreement with the view expressed therein. Merely because the vehicle was transferred does not mean that the appellant stands absolved of his liability to a third person. So long as his name continues in RTO records, he remains liable to a third person.

5. to 7. xxx xxx

8. It will accordingly have to be held that the appellant as the person, in whose name registration continues, will remain liable to a third person. However, the person in actual possession would also be liable.”

6. The law laid down in the above said judgment fully covers the case in the present appeal. No contrary judgment has been referred to by learned counsel for the appellant. Thus, the Tribunal had rightly held that the present appellant, who was admittedly the registered owner of the vehicle in question, was jointly and severally liable along with other respondents.

7. No other points have been raised by learned counsel for the appellant.

8. Keeping in view the abovesaid facts and circumstances, the present appeal being meritless, deserves to be dismissed and is accordingly dismissed and the award dated 28.11.2016 being in accordance with law, deserves to be upheld and is accordingly upheld.

9. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

18.08.2025

Pawan

Whether speaking/reasoned:-
Whether reportable:-

(VIKAS BAHL)
JUDGE

Yes/No
Yes/No