

23.03.2026
Item No.10 (DL)
Court No.06
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 912 of 2026

Bankesh Paul

-Vs-

The Reliance General Insurance Co. Ltd. & Ors.

Mr. Saidur Rahaman.

....for the petitioner.

1. This revisional application assails an order dated January 16, 2026 passed by the learned Judge, Motor Accident Claims Tribunal, 3rd Court at Malda in MAC Case No. 100 of 2022 whereby the petitioner's application challenging maintainability of the said proceeding which has been initiated for compensation under Section 166 of the Motor Vehicles Act, 1988 (hereafter 'the said Act of 1988'), has been dismissed.

2. The petitioner took out the said application on November 20, 2023 asserting that as the petitioner had transferred the vehicle in favour of a third party and since such third party was the owner thereof, therefore the proceeding (being MAC Case No. 100 of 2022) under Section 166 of the said Act of 1988 was not maintainable in absence of the transferee of the vehicle.

3. The learned Tribunal has disagreed with the petitioner's assertion and has dismissed the application.

4. Learned Advocate appearing for the petitioner submits that the learned Tribunal has committed an error in dismissing the petitioner's application inasmuch as, presence of the transferee of the vehicle is necessary for proper adjudication of the matter.

5. Having heard the learned Advocate appearing for the petitioner and having perused the material-on-record, this Court is unable to find any ground to interfere with the order impugned.

6. It is well settled that in a Motor Accident Claim case the registered owner of the vehicle is liable to pay compensation in case the claim is proved, while the registered owner may have a right to sue the transferee and recover the amount provided the transfer as alleged is valid and the same is proved to be so.

7. If the registered owner has transferred the vehicle in favour of some other person, it would be incumbent on the registered owner to get the relevant documents pertaining to registration of the vehicle corrected, modified and revised in favour of the transferee and by not doing so, such registered owner would be incurring the risk of being fastened with liability in Motor Accident Claim Cases. The learned Tribunal has rightly referred to the judgements of the Hon'ble Supreme

Court in the case of ***Brij Bihari Gupta vs. Manmet & Ors.*** reported at ***2025 SCC OnLine SC 1650*** and ***Naveen Kumar vs. Vijay Kumar & Ors.*** reported at ***(2018) 3 SCC 1*** to arrive at the final conclusion. That apart, the learned Tribunal has also observed that “no cogent documents regarding transfer of ownership has been filed by petitioner/owner Bankesh Paul”.

8. There is, therefore, no error far less jurisdictional error in the order impugned. For all the reasons aforesaid, C.O. 912 of 2026, stands dismissed. There shall be no order as to costs.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)