



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

**FAO-4786-2005 (O&M) &
XOBJC-82-CII-2008 (O&M)**
Date of Decision: 16.03.2026

SUBH RAJ AND ORS

....Appellants

Versus

VINOD KUMAR AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. J. P. Sharma, Advocate
for the appellants.

Mr. Maneet Kaushik, Advocate &
Mr. Abhinav Kansal, Advocate for
Mr. Ashit Malik, Senior Advocate
for respondent No.1.

Ms. Deepika, Advocate for
Mr. Sandeep Kumar Yadav, Advocate
for respondent No.5.

Mr. Nitin Gupta, Advocate &
Ms. Jasleen Kaur Chhibber, Advocate
for respondent No.6-Insurance Company.

Parmod Goyal, J. (Oral)

Present order shall dispose of the above captioned appeal being
FAO-4786-2005 filed by the claimants and XOBJC-82-CII-2008 preferred by
the Insurance Company challenging the award dated 11.10.2004 passed by the
learned Motor Accident Claims Tribunal, Narnaul.

2. Appellants-claimants have preferred the present appeal being the
wife, two minor children and parents of the deceased, Sanwat Ram
(hereinafter referred to as the “Deceased”), who died in a road accident which
took place on 15.06.2000, on account of rash and negligent driving by

respondent No. 3 while driving TATA 407 bearing registration No.HR-38-1018.

3. Being aggrieved by the impugned award dated 11.10.2004 passed by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as “Tribunal”), vide which the appellants-claimants were found entitled to total compensation of Rs.2,35,200/-, the appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

4. Cross-objector, Vinod Kumar, the registered owner of vehicle bearing No. HR-38-1018, which was held to be the offending vehicle by the learned Tribunal while recording findings on Issue No. 1, has filed the present cross-objection challenging the manner of accident and fastening of liability upon him by the learned Tribunal.

5. Accident dated 15.06.2000 had occurred when deceased Sanwat Ram was travelling in Jeep No. HR-19-9505, and the said jeep was allegedly hit by truck bearing No. HR-38-1018, which was being driven by respondent No. 3-Satbir Singh. Initially, Vinod Kumar, the registered owner of truck No. HR-38-1018, was impleaded as a party by the claimants. However, Vinod Kumar took the stand that he had already sold the vehicle to Kundan Lal, and therefore, Kundan Lal was also impleaded as respondent No. 1-A.

6. The learned Tribunal, after appreciating the evidence on record, concluded that the accident was the result of rash and negligent driving on the part of respondent No. 3-Satbir Singh while driving truck No. HR-38-1018.

7. On consideration of the evidence and the findings recorded by the learned Tribunal, I do not find any error in the conclusion drawn by the

learned Tribunal regarding manner of accident. The conclusion arrived at is fully supported by the evidence led by the claimants.

8. Admittedly, FIR No. 110 dated 15.06.2000 was duly registered against respondent No. 3-Satbir Singh, the driver of truck No. HR-38-1018, and he was facing trial in respect thereof. FIR was registered by Leela Ram eye-witness who was travelling in same jeep at the time of accident with deceased. Eye-witness to accident and author of FIR, Leela Ram duly appeared as PW-2 and has described the accident in line with manner disclosed in FIR. The respondent No. 3—offending driver failed to controvert the evidence led by the claimants by appearing in the witness box. Even respondent Nos.1 & 1A owner and subsequent owner of vehicle who duly appeared as RWs had not denied involvement of their vehicle in accident. Therefore, conclusion of learned Tribunal as regards to manner of accident cannot be faulted with, same is based on due appreciation of evidence led by both sides. Findings on issue No.1 are accordingly upheld.

9. The cross-objector, Vinod Kumar, asserted that he had duly sold the offending vehicle and, in support of his case, appeared as RW-1. It was his specific stand that the vehicle bearing No. HR-38-1018 had been sold to respondent No.1A-Kundan Lal. He deposed that after receiving the entire sale consideration, he had handed over the possession, along with management and control of the vehicle, to the purchaser, respondent No.1A-Kundan Lal, on 03.12.1998. He further stated that he had executed a sale letter and also submitted an application for transfer of ownership before the Registration Authority.

10. It was further asserted that the requisite forms were signed by

both him and Kundan Lal, and that the original documents, along with his affidavit, were handed over to Kundan Lal for effecting transfer of the vehicle in his name. He specifically stated that Kundan Lal had signed the transfer documents in his presence. Photocopies of the transfer letters were placed on record as Mark RA and Mark RC. Vinod Kumar also deposed that it was Kundan Lal who had got the vehicle released on superdari in his own name from the Court of Judicial Magistrate, Gurgaon, and a photocopy of the said order was placed on record as Mark RD.

11. In support of his case, the cross-objector had also examined Ram Niwas Yadav, Advocate, as RW-3, who proved the affidavit dated 03.12.1998 executed by Vinod Kumar regarding transfer of vehicle No. HR-38-1018 in favour of Kundan Lal. RW-3 further deposed that Kundan Lal had also signed the said affidavit in his presence, and he proved the original affidavit as Ex. R-2. Kundan Lal, the alleged subsequent purchaser of the offending vehicle, appeared as RW-4 and denied having purchased the vehicle. However, in cross-examination, he admitted his signatures on document Ex. R-2-the affidavit, documents marked RB, the written statement dated 13.08.2003, and the order dated 28.06.2000 in the summoned file titled *State vs. Satbir Singh*, pertaining to the application for release of the vehicle on superdari, as well as the superdarinama.

12. The cross-objector also examined Surender Kumar, Criminal Ahlmad, as RW-2, who produced the summoned record of the case titled *State vs. Satbir Singh* arising out of FIR No. 110 dated 15.06.2000. He deposed that respondent Satbir Singh was facing trial for causing the accident. He further stated that Kundan Lal had moved an application for release of the vehicle on

superdari, claiming himself to be the owner of vehicle No. HR-38-1018, having purchased the same from Vinod Kumar. It was also deposed that the vehicle was released on superdari in the name of Kundan Lal. A copy of the affidavit executed by Kundan Lal, wherein he claimed to have purchased the vehicle from Vinod Kumar, was duly proved on record.

13. From the above-noted evidence, it is clearly established that although the cross-objector, Vinod Kumar, continued to be the registered owner of the offending vehicle bearing No. HR-38-1018, he had, in fact, sold the same and transferred its possession as well as control to respondent No.1A-Kundan Lal on 03.12.1998. Even Kundan Lal, by moving an application for release of the offending vehicle on superdari, had asserted that he had purchased the vehicle and that he alone was entitled to its possession. This conduct lends further credence to the stand taken by Vinod Kumar.

14. Therefore, it is held that the vehicle had been sold by Vinod Kumar along with possession on 03.12.1998. The accident in question occurred subsequently on 15.06.2000, and thus, Kundan Lal was the subsequent owner in possession and control of the offending vehicle at the time of the accident.

15. Reliance is placed upon the judgment of the Hon'ble Supreme Court in **Naveen Kumar Vs. Vijay Kumar & Ors.**, (2018) AIR SC 983, wherein it has been held that for the purposes of fastening liability under the Motor Vehicles Act, 1988, the registered owner of the vehicle is deemed to be the owner and remains liable *qua* third party, even if the vehicle has been sold and possession thereof has been transferred, unless the transfer is recorded in the official records of the Registering Authority.

16. However, in the present case, from the evidence on record, it stands duly established that respondent Kundan Lal had purchased the offending vehicle from Vinod Kumar and was in possession and control thereof at the time of the accident. Therefore, while the registered owner, Vinod Kumar, would remain liable towards the claimants, he shall be entitled to recover the awarded amount along with interest from respondent Kundan Lal, who was the subsequent purchaser and in actual possession of the offending vehicle at the relevant time.

17. The Tribunal in the present case had awarded the following compensation:

Monthly Income	Rs.2,100/-
Deduction	1/3 rd
Multiplier	14
Total compensation awarded	Rs.2,35,200/- (Rs.1400 x 12 x 14)

18. Appellants-claimants have sought enhancement of compensation on the ground that income of deceased was not correctly taken by learned Tribunal and future prospects were not added. That deduction was wrongly applied in view of number of dependents. Award of multiplier of ‘14’ by learned Tribunal is also under challenge. Appellants-claimants have also sought appropriate compensation for loss of estate, funeral expenses and loss of consortium. On the other hand, insurance company and cross objector have also challenged quantum of compensation being excessive.

19. Learned Tribunal has assessed the income of the deceased to be Rs.2,100/- per month. Appellants-claimants had claimed that deceased was working as transporter and was earning Rs.6,000/- per month. However, except

for oral assertions, no cogent documentary evidence that deceased was working as a transporter and was earning Rs.6,000/- per month was produced. Appellants-claimants have therefore failed to prove vocation and income of deceased as pleaded by the appellants-claimants. In absence of any evidence the income taken by the learned Tribunal, on the basis of minimum wages is maintained. Accordingly, the income of the deceased is taken as Rs. 2,100/- per month. Admittedly, as per claim petition deceased was aged 25 years and is survived by his wife, two minor children and parents i.e. appellants-claimants No. 1 to 5. The appellants-claimants shall therefore, be entitled to addition of future prospects to the extent of 40% for determining loss of dependency. Keeping in view the age of the deceased as 25 years, multiplier of ‘18’ would be appropriate for the purpose of determining loss of dependency as per the judgment of Hon’ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009 (6) SCC 121. Since deceased is survived by five dependents i.e. wife, parents and two minor children, deduction of 1/4th ought to be made towards personal expenses. Appellants-claimants shall also be entitled to Rs.7,500/- each under the head loss of estate, funeral expenses and Rs. 15,000/- each under the head spousal, parental and filial consortium.

20. Accordingly, the reworked compensation to which the appellants-claimants are entitled to is as under:

Income	Rs.2,100/- per month	Rs.2,100/- per month
Future Prospects	40% (2100+840)	Rs.2,940/-
Deduction	1/4 th (2940-735)	Rs.2,205/-
Multiplier	18	18
Total loss of dependency	Rs.2,205 x 12x18	Rs.4,76,280/-

Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of Spousal Consortium to claimant No. 1		Rs.15,000/-
Loss of Parental consortium to claimant nos. 2 & 3	Rs.15,000/- x 2	Rs.30,000/-
Loss of filial consortium to claimant Nos. 4 & 5	Rs.15,000x2	Rs.30,000/-
Total Compensation awarded in appeal		Rs.5,66,280/-
Total Compensation awarded by the Tribunal	Rs.2,35,200/-	
Enhanced amount of compensation	Rs.5,66,280/- (as awarded in appeal) Rs.2,35,200/- (as awarded by the Tribunal)	Rs.3,31,080/-

21. Appellants-claimants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Apportionment and liability of respondents to pay compensation shall be as per the award.
22. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal preferred by claimants stands allowed accordingly.
23. Cross-objections being XOBJC-82-CII-2008 in FAO-4786-2005 filed are disposed of with right to cross objector-registered owner recover any amount paid to claimants with interest from respondent No.1A namely Kundal Lal and driver-Satbir Singh.
24. Pending application(s), if any, is/are disposed of accordingly.