

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****187****FAO-3598-2025(O&M)****Date of decision: 05.03.2026****Devender Kumar****...Appellant(s)****Vs.****Mamta Rani & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Shailender Kashyap, Advocate
for the appellant.

*********NIDHI GUPTA, J.****CM-11627-CII-2025**

This is an application under Section 151 CPC for condonation of delay of 35 days in re-filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant, the same is allowed subject to all just exceptions and delay of 35 days in re-filing the present appeal is condoned.

CM-11628-CII-2025

This is an application under Section 5 of Limitation Act for condonation of delay of 90 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant, the same is allowed subject to all just exceptions and delay of 90 days in filing the present appeal is condoned.

**MAIN CASE**

Present appeal has been filed by the registered owner of motorcycle bearing registration No.HR-04-9359 (hereinafter referred to as “the offending vehicle”) laying challenge to the Award dated 21.09.2024 passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter ‘the learned Tribunal’) whereby Claim Petition No.384 dated 13.10.2017 filed by the claimants/respondents No.1 to 3 herein, under Section 166 of the Motor Vehicles Act (hereinafter “the Act”) was allowed and claimants were awarded compensation of Rs.14,59,200/-.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Purshotam had died due to the injuries suffered by him in a motor vehicular accident that took place on 24.08.2017 due to the rash and negligent driving of the offending vehicle being driven by respondent No.4 and owned by the appellant.

3. Liability to pay the compensation amount has been affixed upon the appellant on account of the fact that the offending vehicle was not insured at the time of accident and appellant is admittedly the registered owner of the offending vehicle at the time of accident.

4. Learned counsel for the appellant submits that liability to pay the compensation amount could not have been affixed upon the appellant as, on the date of accident, the appellant was not in actual physical



possession and control of the offending vehicle as he had sold the same to Harjit Singh respondent No.6 herein on 20.08.2008. It is submitted that respondent No.6 had also executed an affidavit in this regard. Moreover, NOC regarding the offending vehicle was also issued by the Licencing Authority, Naraingarh on 20.03.2008 in this regard. It is accordingly prayed that the present appeal be allowed, and impugned Award be modified/set aside to the extent that liability has been affixed upon the appellant.

5. No other argument is made on behalf of the appellant. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

6. Perusal of record of the case shows that it is asserted by the appellant that he had sold the offending vehicle to Harjit Singh respondent No.6 herein on 20.08.2008; and that Harjit Singh had executed an affidavit in this regard in favour of the appellant; and that the Licensing Authority, Naraingarh had also issued NOC dated 20.03.2008 in this regard. However, Harjit Singh in his written statement filed before the learned Tribunal as respondent No.4 has outrightly denied that he had ever purchased the offending vehicle from the appellant. Harjit Singh had further stated that no NOC was issued in his favour. Even further, it is also to be considered that even though the offending vehicle was alleged to have been sold in 2008, yet, till the time of accident on 24.08.2017, the appellant had made no effort to get the registration cancelled.



7. Moreover, it has not been denied by learned counsel for the appellant that at the time of accident, the appellant was the registered owner of the offending vehicle. In this circumstance, Contention of the appellant that on the date of accident he was not in physical possession or control of the offending Vehicle is not tenable in view of three-Judge Bench judgment of the Hon'ble Supreme Court in **Naveen Kumar v. Vijay Kumar (SC) : Law Finder Doc ID # 970642**, wherein it is held that:-

“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.

13. The submission of the Petitioner is that a failure to intimate the transfer will only result in a fine under Section 50(3) but will not invalidate the transfer of the vehicle. In Dr. T V Jose, this Court observed that there can be transfer of title by payment of consideration and delivery of the car. But for the purposes of the Act, the person whose name is reflected in the records of the registering authority is the owner. The owner within the meaning of Section 2(30) is liable to compensate. The mandate of the law must be fulfilled."

8. Reference may also be made to judgment of this Court in **M/s Rhee Pharmaceuticals v. Sukhdeep Kaur, (Punjab And Haryana) : Law Finder Doc Id # 2230827**, wherein it is held that: -

"Accident - Liability of Registered Owner - Offending vehicle sold by its registered owner but transfer not made with registering authority - A claimant for compensation ought not to be



burdened with following a trail of successive transfers, which are not registered with the registering authority.

Motor Vehicles Act, 1988 Section 166 Sale of Goods Act, 1930 Section 19 Accident - Quantum of compensation - Liability of Registered Owner - Offending vehicle was allegedly sold almost two years prior to the date of accident but the vehicle continued to be registered in the name of original owner and no transfer was made with registering authority - Registered owner not absolved from liability to pay compensation - Reason being that victim or claimants of deceased should not be left in a state of uncertainty - Recovery rights given to insurance company against the registered owner upheld - Subsequent purchaser not liable in MACT proceedings.”

9. The above said view has been followed by this Court in **Savinder Singh v. Binder Singh, (Punjab And Haryana) : Law Finder Doc Id # 2613541 2024 NCPHHC 87514**, wherein it is held that:-

“B. Motor Vehicles Act, 1988 Section 2(30) Definition of 'owner' - Registered owner remains liable for compensation under the Act, despite transfer of ownership not being reflected in RTO records - Purpose of the definition is to protect the victim's right to compensation and ensure certainty.”

10. Reliance may also be placed upon judgment of this Court in **FAO-1386-2016** titled as **“Sadhu Singh deceased through legal heir Tajinder Singh Vs. Seema Devi and others”** decided on **22.04.2025**.

11. Therefore, no ground is made out to interfere in the impugned Award in respect of the liability as affixed upon the appellant.



12. In view of the above, present appeal stands **dismissed**.
13. Pending application(s) if any also stand(s) disposed of.

05.03.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No