



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

FAO-5526-2006 (O&M)

Date of Decision: March 26, 2025

Mukesh

.....Appellant

vs.

Smt. Triveni and Ors.

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Sagar Aggarwal, Advocate,  
for the appellant.

Respondents already *ex parte*.

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**SUDEEPTI SHARMA J.**

1. The present appeal has been preferred by the appellant-Mukesh son of Hari Singh against the award dated 31.08.2006 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Faridabad (for short, 'the Tribunal') whereby the learned Tribunal while awarding compensation to the claimants/respondent Nos. 1 to 6, fastened the liability to pay the compensation upon the appellant and respondent No.8, on account of death of Chhater Pal in a Motor Vehicular Accident, occurred on 08.04.2002.

2. As sole issue for determination in the present appeal is confined to the liability of compensation fastened by the learned Tribunal upon the present appellant-Mukesh, a detailed narration of the facts of the case are not reproduced for the sake of brevity.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANT**

3. The learned counsel for the appellant-Mukesh contends that the appellant has wrongly been made liable to pay the compensation to the claimants/respondent Nos. 1 to 6, since in his written statement as well as while arguing before the learned Tribunal, he had continuously been pleading that neither he is the registered owner of the offending vehicle bearing No.HR-51-F-0804 nor he



is in possession of the offending vehicle. Despite this fact, the learned Tribunal while ignoring the submission made by the appellant, made him liable to pay the compensation.

4. Initially, despite service, respondents did not appear, therefore, respondents No.1 to 6 & 8 were proceeded against ex parte vide order dated 15.09.2014, whereas, respondent No.7 was proceeded against ex parte vide order dated 18.12.2014. However, this Court issued fresh notice to the notice to the respondents but despite service, there is no representation on their behalf. Since, this case pertains to the year 2006, therefore, this Court is not bound to wait for their appearance and to argue the matter.

5. I have heard learned counsel for the appellant and perused the whole record of this case.

6. Before proceeding further, it is necessary to reproduce the relevant portion of the award, which reads as under:-

*16. Regarding aspect of controversy, as to who was the owner of motorcycle No. HR-51/F-0804 at the relevant time i.e. on 8.4.2002, it is observed that a perusal of testimonies of RW-1 Mukesh son of Shiv Charan, RW-3 Mukesh son of Hari, RW-4 Shri S.K. Yadav, Advocate, Notary Public and RW-5 Sanjay Bhateja, Stamp Vendor, coupled with documentary evidence as led on the record, it is quite evident on the record that on 17.9.2001, respondent no. 2 Mukesh son of Shiv Charan vide his affidavit Mark-D had sold the vehicle in question i.e. Motorcycle No. HR-51/F-0804 in favour of respondent No. 2A Mukesh son of Hari Singh and to that effect respondent no. 2 Mukesh son of Hari Singh had executed an affidavit Ex.P1. Apart from that, Form No. 29 and 30 Mark-A and Mark-B in respect of transfer of ownership of abovesaid vehicle were executed by respondent no. 2 Mukesh son of Shiv Charan in favour of respondent No. 2A Mukesh son of Hari Singh. Further, vide delivery receipt Mark-C, possession of above said vehicle was delivered in favour of Mukesh son of Hari Singh. At this juncture, a careful scrutiny of certified copy of application dated 11.4.2002 Ex. P8 for*





*abovesaid respondents namely Raj Kumar, Mukesh son of Shiv Charan and Mukesh son of Hari Singh are jointly and severally liable to pay the abovesaid compensation to the petitioners.”*

7. Upon a careful perusal of the impugned award, it is evident that the dispute pertains to the determination of liability for payment of compensation under the Motor Vehicles Act, 1988, in a scenario where the registered owner has purportedly transferred the vehicle but continues to be reflected as owner in the official record of the registering authority.

8. This question of law is no longer *res integra*, having been conclusively settled by the Hon'ble Supreme Court in a case of ***Naveen Kumar vs. Vijay Kumar and others, 2018 (2) RCR (Civil) 74***, wherein the Hon'ble Apex Court has held as under:-

*“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.”*

9. Applying the binding precedent ***in Naveen Kumar vs. Vijay Kumar and others, 2018 (2) RCR (Civil) 74*** to the present case, it is undisputed from the record that as of the date of the accident (08.04.2002), Respondent No. 8, Mukesh son of Shiv Charan, continued to be recorded as the registered owner of the offending vehicle in the official record of the registering authority. While the vehicle was allegedly sold to the appellant on 17.09.2001 and possession whereof was transferred to him, the statutory requirement of effecting a transfer in the registration record was not complied with. Therefore, in light of the above referred to judgment in ***Naveen Kumar vs. Vijay Kumar and others, 2018 (2) RCR (Civil) 74***, the findings of the learned Tribunal fastening joint and several liability upon both the appellant-Mukesh and Respondent No. 8 are legally untenable in the eyes of law.

10. The findings of the learned Tribunal are inconsistent with the settled proposition of law, as the liability to pay compensation under the Motor Vehicles Act is squarely upon the person in whose name the vehicle remains registered on the date of the accident.

11. In sequel of the above, the present appeal is allowed. The findings of the learned Tribunal holding the appellant jointly and severally liable to pay



compensation are hereby set aside. The impugned award dated 31.08.2006 is modified to the extent that the appellant is not liable to pay the compensation. Respondent No. 8-Mukesh son of Shiv Charan, being the registered owner of the offending vehicle as per the official record, is solely liable to pay the compensation awarded by the learned Tribunal.

12. Pending application(s), if any, also stand disposed of.

**(SUDEEPTI SHARMA)**  
**JUDGE**

March 26, 2025

Gaurav Arora

Whether speaking/non-speaking : Yes/No  
Whether reportable : Yes