



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

FAO-5649-2009 (O&M)

BALJIT SINGH**.....Appellant****VS.****RAVINDER KUMAR AND ORS.****.....Respondents****Reserved on : 07.05.2026****Pronounced on: 11.05.2026****Uploaded on: 14.05.2026***Whether only the operative part of the judgment is pronounced?* **NO***Whether full judgment is pronounced?* **YES****CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Balraj Singh Dhull, Advocate and
Mr. Pardeep Dhull, Advocate
for the appellant.

Mr. Chandarhas Yadav, Advocate
for respondent Nos.1 and 2.

Mr. Kulbhushan Sharma, Advocate
for respondent Nos.3 and 4.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred by the appellant-Baljit Singh against the award dated 19.09.2009 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Rewari (for short, 'the Tribunal') whereby the learned Tribunal while awarding compensation to the claimants/respondent Nos.1 and 2, fastened the liability to pay the compensation upon the appellant and respondent Nos.3 and 4/registered owner of offending vehicle, on account of death of Shanti Devi in a Motor Vehicular Accident, occurred on 09.01.2000.

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-



Baljit Singh along with respondent No.3 and 4 jointly and severally, 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-Baljit Singh contends that the appellant has wrongly been made liable to pay the compensation to the claimants/respondent Nos.1 and 2, since in his written statement as well as while arguing before the learned Tribunal, he had continuously been pleading that he was not the registered owner of the offending vehicle bearing No.HR-47-5001 on the date of accident. Despite this fact, the learned Tribunal while ignoring the submission made by the appellant, made him liable to pay the compensation. He, therefore, prays that the present appeal be allowed and the liability to pay compensation be affixed upon respondent Nos.3 and 4/registered owner of the offending vehicle.

4. Learned counsel for respondent Nos.3 and 4/registered owner of the offending vehicle contends that on the date of accident respondent No.1-Baljit Singh was in the possession of the offending vehicle, therefore, he is solely liable to pay compensation to respondent Nos.1 and 2. He furthermore contends that he has filed separate appeal bearing No.***FAO-5781-2009 titled as "Umed Singh and another Vs. Ravinder Kumar and others"*** challenging the liability to pay compensation as affixed upon respondent Nos.3 and 4 as well as appellant/Baljit Singh jointly and severally. He, therefore, prays that the present appeal be dismissed.

5. Per contra, learned counsel for respondent Nos.1 and 2/claimants contends that learned Tribunal has rightly decided the issue of liability to pay compensation. He furthermore contends that compensation awarded by learned Tribunal is on the lower side. And that he has preferred separate appeal bearing no.***FAO-754-2010 titled as "Ravinder Kumar and another Vs. Umed Singh and others"*** seeking enhancement. He, therefore, prays that the present appeal be dismissed.



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

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

“30. Learned counsel for petitioners submitted that Hon'ble High Court of Punjab and Haryana in Vidya Rani & Ors. V/s Pepsu Road Transport Corpn. 2007 (1) LJR 513 was pleased to grand multiplier of '16' wherein deceased was 48 years of age. Hon'ble Supreme Court of India in P.P. Mohammed V/s K. Rajappan & Ors. 2003 ACJ 1595 has been pleased to hold that the pension in whose name registration continues, will remain liable to a third person. However, the person in actual possession would also be liable. In S. S. Sodhi V/s Chander Vikas & Ors 2007(1) LJR 223, Hon'ble High Court of Punjab and Haryana has held that the registered owner of offending vehicle is liable and can recover the amount from subsequent purchaser of vehicle. In view of above evidence, petitioners may be granted just and fair compensation. All respondents may be held liable.

31. Learned counsel for respondents no. 1 & 2 submitted that as per RW1 Umed Singh respondent no. 1, affidavit Ex. RA and statement of respondent no. 3 Ex. RB, respondent no. 3 Baljit Singh was having physical control over the four-wheeler on the day of accident being owner. Hon'ble High Court of Gujrat in Morbi Taluka Panchayat & Anr. V/s Vikram Singh Gambhir Sinh & Ors. 2006 Vo. II ACC 106 has been pleased that hirer of the vehicle was liable for accident. In Mathew Thankachan V/s V. G. Manoharan & Ors. (II) 1999 ACC 142, Hon'ble High Court of Kerala has been pleased to hold that sale of motor vehicle is governed by sale of Goods Act and is complete when consideration paid and vehicle is delivered irrespective of the fact that sale has been registered within the Registering Authority or not. Therefore, respondents no. 1 & 2 were not liable.

32. From examination of record in light of aforesaid rival contentions, it is crystal clear that on 9.1.2000 in a motor vehicular accident Smt. Shanti Devi sustained multiple injuries.



She was taken to private hospital. While on the way to Civil Hospital, Rewari she succumbed to her injuries. Post-mortem on her dead body was conducted in civil hospital, Rewari on 10.10.2000. Copy of post-mortem report is Ex. P2. In post-mortem report age of deceased Smt. Shanti Devi is mentioned as 53 years No other document regarding her age has been proved. So the age of deceased Smt. Shanti Devi is determined as 53 years. PW2 Ravinder Kumar petitioner claimed that his mother was earning Rs. 5,000/- per month by doing agriculture and cattle rearing work and drawing Rs. 1,747/- per month as pension. Photocopy of pension book Ex. P3 and pension order Ex. P4 have been tendered. No document regarding agriculture or cattle rearing work has been proved. So, income of deceased is determined as Rs. 2100/- per month By applying cut of 1/3rd dependency of petitioners comes to Rs. 1,400/- per month. In view of age of deceased and petitioners multiplier of "8" being appropriate deserves to be applied. Petitioners shall be entitled to Rs. 2,000/- as funeral expenses and Rs. 2500/- as loss of State and Rs. 1100/- as transportation expenses. Therefore, petitioners shall be entitled to compensation of Rs. 1400X12X8 Rs. 1,34,400 + Rs. 2000 + Rs. 2500 + 1100 Rs. 1,40,000/-.

33. The petitioners shall be entitled to interest at rate of 6 per cent per annum on compensation.

34. As per RW1 Umed Singh, affidavit Ex. RA and statement Ex. RB of Baljit Singh, respondent no. 3 the vehicle was owned by Umed Singh and Inder Singh respondents no. 1 & 2 and possessed by Baljit Singh respondent no. 3 on date of accident. According to ratio of judgment in P. P. Mohammed V/s K. Rajappan's case (supra) it is well settled proposition of law that the person in whose name registration continues and the person in actual possession of vehicle are liable to third party. Therefore, all respondents are liable to pay the compensation. Accordingly, issue no. 2 is decided in favour of petitioners and against respondents."



8. 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.

9. 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."

10. 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 on the date of the accident 26.04.2000, Respondent No.3 and 4, Umed Singh and Inder Singh, continued to be recorded as the registered owner of the offending vehicle in the official record of the registering authority. While the vehicle was in possession of appellant-Baljit Singh at the time of accident. The statutory requirement of effecting the 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 and Respondent Nos.3 and 4 are legally untenable in the eyes of law.

11. 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.



12. 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 19.09.2009 is modified to the extent that the appellant is not liable to pay the compensation. Respondent Nos.3 and 4, being the registered owner of the offending vehicle as per the official record, are solely liable to pay the compensation awarded by the learned Tribunal.

13. In view of the above discussion, the present appeal is ***allowed***.

14. The statutory amount of Rs.25000/- deposited by the appellant at the time of admission of the appeal, is ordered to be refunded to it.

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

(SUDEEPTI SHARMA)
JUDGE

11.05.2026

Sahil/Ayub

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