

(2019) 09 DEL CK 0053

Delhi High Court

Case No: MAC.APP. No. 741 Of 2019, Civil Miscellaneous Application No. 37207 Of 2019

Deepa

APPELLANT

Vs

Chandrawati & Ors

RESPONDENT

Date of Decision: Sept. 4, 2019

Hon'ble Judges: Najmi Waziri, J

Bench: Single Bench

Advocate: Suarabh Kansal

Final Decision: Dismissed

Judgement

Najmi Waziri, J

CM APPL. 37206/2019-(for delay)

1. This application seeks condonation of delay in filing of the appeal.
2. For the reasons mentioned in the application, the delay is condoned.
3. The application stands disposed-off.
4. This appeal impugns the award of compensation dated 15.03.2019 passed by the learned MACT in MACT No. 928/17, on the ground that albeit, Lalit Kumar (Respondent no. 9) is recorded as the person who had purchased the vehicle, which met with the accident, the appellant is not the registered owner of the vehicle. Hence, liability should not be fastened upon her. The learned MACT has dealt with the matter and reasoned as under:-

â€œ5. Respondent No.2/Possession Holder of the vehicle filed her reply cum objection and stated that the vehicle in question was in the name of Sh.

Lalit Kumar and RG is in his name being the registered owner. It is stated that R- 2 is neither owner nor having any concern with the vehicle in

question. It is stated that the vehicle In question was in the name of one Sh. Lalit Kumar S/o Sh. Ram Swaroop R/o 331, Block -6, Geeta Colony,

New Delhi and RG is in his name being the registered owner and the vehicle in question was financed by Baldev Fin. Com. Office WZ 4, Ramesh

Nagar, New Delhi-15 and the said RC is endorsed of Baldev Fin. Com. and the copy of the said RC/permit of contract carries issued by Transport

department in their name. It is further stated that Rambir Singh, Lalit Kumar, Om Prakash and Baldev Fin. Com in active connivance with each other

got taken the vehicle in question from the possession of the objector by filing the Arbitration application through one Goodman auto deals and vehicle

in question was attached and taken the possession from the objector on 17.12.2015 by taking advantage of order dated 14.12.2015 from the Court of

Ld. ADJ KKD Delhi by claiming them that they are the actual and genuine owner of the vehicle in question but on the ground of technicalities the

vehicle in question was handed over to the objector in a broken down condition and was not in a possession to ply on the road.â€

5. The owner himself admits to the ownership of the vehicle as well as to the fact that the said vehicle was involved in an unfortunate accident. The

objective of the Motor Vehicles Act, 1988 is that compensation be paid to victims of motor vehicular accidents. Trying to take recourse behind

technicality that the registered owner only should be made payable is unwarranted especially, in the peculiar facts of this case where the vehicle

owner admits that all rights in the vehicle had been transferred to her and it was in her possession at the time of the accident. Accordingly, the Court

does not find any reason to interfere with the impugned order.

6. The appeal is accordingly dismissed.

7. The statutory amount be adjusted against the amounts payable by the appellant to the beneficiaries of the award. Accordingly, the same shall be

transferred to the learned MACT concerned, alongwith interest accrued thereon for release to the beneficiaries of the award.