

Niranjan Singh Vs Zeena and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 7, 2006

Acts Referred: Motor Vehicles Act, 1988 "Section 177

Citation: (2007) 2 ACC 453 : (2008) ACJ 973

Hon'ble Judges: Vinod K. Sharma, J

Bench: Single Bench

Judgement

Vinod K. Sharma, J.

The revision petition has been filed against an order passed by learned Motor Accident Claims Tribunal, Ferozepur

(for short The Tribunal) granting compensation of Rs. 50,000 under "no fault liability". The learned Tribunal came to the conclusion that the

accident occurred with tractor bearing No. PUW-9530, which was driven by respondent No. 1. However, there is dispute regarding ownership of

the tractor as in the registration certificate the owner is shown to be Raj Kumar whereas the liability has been fastened on Niranjan Singh, treating

him to be owner. The learned Counsel for the petitioner relies upon a judgment of this Court in Vipin Kumar Sharma Vs. Jagwant Kaur and

Others, wherein it has been held that it is only the registered owner, which can be held liable under the provisions of Motor Vehicles Act, 1988

(for short "The Act") and the transferee of the said vehicle may approach the Civil Court to recover the amount.

2. In view of the Division Bench judgment in Vipin Kumar Sharma's case (supra), the impugned order directing the petitioner to make the payment

cannot be sustained. Accordingly, petitioner is discharged from the liability u/s 177 of the Act. However, the respondent-claimant would be entitled

to recover the amount from the registered owner as well as driver respondent No. 3 of the vehicle in accordance with law. However, it is also

further made clear that it would be open to Raj Kumar to recover the amount from Niranjan Singh under the ordinary civil law.

Disposed of accordingly.