

(2006) 08 P&amp;H CK 0542

## High Court Of Punjab And Haryana At Chandigarh

Case No: None

Niranjan Singh

APPELLANT

Vs

Zeena and Others

RESPONDENT

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**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

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**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. Jaqwant 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 Niranjana Singh under the ordinary civil law.

Disposed of accordingly.