
(2003) 04 RAJ CK 0082
In the Rajasthan High Court
Case No : Civil Writ Petition No. 809 of 2003

Ridhi Chand Meena

APPELLANT

Vs

Motor Accident Claims Tribunal and Others

RESPONDENT

Date of Decision : 09-04-2003

Acts Referred:

Motor Vehicles Act, 1988 — Section 140

Citation : (2004) ACJ 1840 : (2003) 4 RLW 2331 : (2003) 3 WLC 37

Hon'ble Judges : Gyan Sudha Mishra, J

Bench : Single Bench

Advocate : S.P. Sharma, for the Appellant; Anurag Sharma, for Respondent Nos. 2 and 3 and Rajnish Gupta, for the Respondent

Final Decision : Dismissed

Judgement

Misra, J.—The petitioner is the owner of a vehicle bearing No. RJ-25-1M-0052 which caused an accident as a result of which injury was sustained by the respondent No. 4 Dinesh Kumar. He filed an application for compensation before the Motor Accident Claims Tribunal, Gangapurcity furnishing a certificate that he has suffered 20% injury which has caused permanent disability to him.

2. An interim award of Rs. 25,000/- has therefore been passed in favour of injured respondent No. 4- Dinesh Kumar and the petitioner being a registered owner of the vehicle has been directed to pay this amount by way of interim compensation. This order is under challenge in this writ petition.

3. The counsel for the petitioner, assailing the interim award of compensation, submitted that the petitioner had already executed a sale deed for this vehicle in favour of respondent No. 3 Banwari Lal and the vehicle was seized from the site of the accident. The charge sheet for this accident was also submitted against one Murari Lal wherein he was stated to be driving the vehicle/Motor cycle which caused the accident. The petitioner therefore contested the matter before the Tribunal and urged that the compensation is payable by the owner to whom the

vehicle was transferred and the petitioner cannot be saddled with the liability to pay the interim compensation as the vehicle was driven by Murari Lal.

4. The counsel for the respondent on the contrary submitted that Murari Lal, who was driving the vehicle, might be a relative of the petitioner and the counsel for the respondent No. 3 stated that Murari Lal who was driving the vehicle, is some one who is either a relative of the petitioner or he is the driver of the vehicle owned by the petitioner.

5. It is apparent that it is difficult to come to a definite finding in regard to actual ownership of the vehicle but the fact remains that the vehicle was not transferred as per the procedure in the name of Banwari Lal and therefore, the petitioner being the registered owner of the vehicle is surely liable to pay the interim compensation and cannot be allowed to absolve himself from the liability to pay the interim compensation, This writ petition therefore challenging the interim award of compensation cannot be entertained, but the petitioner shall be at liberty to prove by cogent evidence at the stage of trial as to whether respondent No. 3 Banwari Lal is responsible to pay the entire compensation or not if the vehicle was duly transferred in his name after which the vehicle was also delivered to him. In case, he is able to prove the same, it goes without saying that the Tribunal at the time of passing the final award will fix the responsibility of paying the entire amount of compensation including the interim amount on the concerned owner of the vehicle which caused the accident and the petitioner shall be entitled to realise this amount from the actual owner of the vehicle. At present, since the petitioner is the registered owner, he cannot be absolved of the liability to pay the interim compensation. Hence, this writ petition stands dismissed.