

Gorakh Lal vs.jitender Kumar

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Court : Delhi

Decided On : May-30-2018

Appellant : Gorakh Lal

Respondent : Jitender Kumar

Advocate for Def. : Mr. Nikhil Tripathi, Mr. Manish Kapoor

Judgement :

IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision:

30. h May, 2018 \$~13 * % + MAC.APP. 123/2017 GORAKH LAL Appellant
Through: Mr .M. T. Malik, Adv. versus JITENDER KUMAR Respondent
Through: Mr. Nikhil Tripathi, Adv for R-1. Mr. Manish Kapoor, Adv for R-2 & 3.
CORAM: HON'BLE MR. JUSTICE J.R. MIDHA JUDGMENT (ORAL) CM APPL.
4600/2017 The delay of 179 days in filing the appeal is condoned. Application is
disposed of. MAC.APP. 123/2017 1. The appellant has challenged the award of
the Claims Tribunal whereby the compensation of Rs.3,27,500/- has been
awarded to respondent No.1.

2. On 17th April, 2010 at about 01:00 PM, Jitender Kumar, aged about 15 years at
that time, was going on foot with his father to his school and he was hit by tractor
along with water tanker bearing No.UP-83-A-7161 which MAC.APP. 123/2017
Page 1 of 3 resulted in grievous injuries to the Jitender. Jitender suffered pelvic
fracture urethral injury which resulted in 100% permanent disability relating to

urinary function, as per the disability certificate, Ex. PW1/7.

3. The Claims Tribunal awarded Rs.35,000/- towards medical expenses, Rs.15,000/- towards pain & suffering, Rs.10,000/- towards special diet & conveyance, Rs.2,02,500/- towards loss of future earning capacity/future income, Rs.25,000/- towards loss of amenities and enjoyment of life, Rs.20,000/- towards attendant charges, Rs.10,000/- towards compensation for disfigurement, Rs. 10,000/- towards loss of study during treatment. The total compensation awarded to respondent No.1 is Rs.3,27,500/-.

4. The appellant is the registered owner of the offending vehicle and he claims to have sold the said vehicle to respondent No.2 before the accident and the offending vehicle was driven by the respondent No.3. The Claims Tribunal held the appellant as well as respondent No.2 and 3 jointly and severally liable to pay the compensation amount to respondent No.1.

5. Learned counsel for the appellant urged at the time of hearing that the appellant had sold the offending vehicle to respondent No.2 before the accident. However, it is not disputed that the appellant was the registered owner of the offending vehicle on the date of the accident.

6. This Court of the view that the registered owner cannot be exonerated from the liability to pay the compensation to the injured. Reference is made to Naveen Kumar v. Vijay Kumar 2018 SCC Online SC84 7.

8. There is no merit in this appeal which is hereby dismissed. Statutory amount of Rs.25,000/- deposited by the appellant be released to respondent No.1 along with interest accrued upto date.

9. Learned counsel for the respondent No.1 submits that respondent MAC.APP. 123/2017 Page 2 of 3 No.2 deposited Rs. 50,000/- at the time of taking the offending vehicle on Supardari from the Court of Metropolitan Magistrate, P.S. Jaitpur.

10. The learned Metropolitan Magistrate, P.S. Jaitpur is directed to release the amount of Rs. 50,000/- deposited alongwith interest to Respondent No.1 within a

period of four weeks from today.

11. Copy of this judgment be given dasti to counsels for both the parties under the signature of Court Master. MAY14 2018 Pallavi J.R.MIDHA, J.

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