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Ram Kishan vs Bimla & Ors

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Court : Delhi

Decided On : Mar-19-2026

Judge : Hon'Ble Mr. Justice Anish Dayal

Appeal No. : MAC.APP./157/2017

Appellant : Ram Kishan

Respondent : Bimla & Ors

Advocate for Pet/Ap. : Mr. Mukesh Biral

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP. 157/2017 & CM APPL. 6523/2017 RAM KISHAN .....Appellant Through: Mr. Mukesh Biral, Advocate.

versus

BIMLA & ORS .....Respondents Through: None.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% 19.03.2026

1. This appeal has been filed seeking exoneration from liability by the

appellant/respondent no.2 awarded by the Motor Accidents Claims Tribunal (MACT), Saket Courts, New Delhi in Claim Petition No. 3426/16, vide award dated 30th November 2016 whereby the MACT awarded Rs.5,19,000/- along with interest at the rate of 9% per annum to the claimants.

2. On 26th April 2008, deceased/Laxmi Narain, while riding his

motorcycle near Lohiya Pul Road, Saurabh Vihar, Badarpur, New Delhi, was hit by a tractor bearing no. URX 3701 (hereinafter, offending vehicle) and was taken to All India Institute of Medical Sciences (AIIMS), where he was declared brought dead.

3. Initially, the claim petition was filed against respondent no.6/

respondent no.1, Rajan Singh, (registered owner) which was dismissed on 12th April 2013, but the claim petition was restored on 27th September 2013, when appellant/respondent no.2, Ram Kishan (subsequent owner), Ram Singh/respondent no.3-subsequent owner (not a party before this Court) respondent no.7/respondent no.4, Prem Prakash (subsequent owner) of the offending vehicle were impleaded as respondent nos. 1 to 4 before the MACT.

4. Both respondent no.6/respondent no.1 and appellant/respondent no.2

contested the petition by denying negligence and ownership liability. MACT, however, held that respondent no.6/respondent no.1, appellant/respondent no. 2 and respondent no.7/respondent no.4 was liable to pay one-third each of the total amount of compensation being, Rs. 5,19,000/-, considering that no documents were shown to prove that Ram Singh/respondent no.3 had purchased the offending vehicle.

5. Mr. Mukesh Birla, counsel for appellant, contends that they were

subsequent purchasers of the offending vehicle from respondent no.6/respondent no.1 and had transferred the tractor on to respondent no.7/respondent no.4. However, no transfer ownership documents have been filed on record.

6. MACT assessed this issue in paragraph 38-43 of the impugned

award. MACT has stated that, as per the testimony of appellant/respondent no.2, he was the subsequent owner of offending vehicle sold by him to respondent no.7/respondent no.4.

7. As per the evidence, appellant/respondent no. 2 and respondent

> no.7/respondent no.4 were subsequent owners at the time of accident. MACT categorically notes that neither the registered owner nor the subsequent purchaser made efforts to change the name of the owner in the registration certificate. Reliance was placed upon the decision of Supreme Court in Dr. TV Jose v. Chacko P.M. & Ors. (2001) 8 SCC 748 and Pushpa @ Leela and Ors v. Shakuntala and Ors. (2011) 2 SCC 240,
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> regarding transfer of title and the liability of the registered owner where the Supreme Court has held that transferor shall be liable, if no steps have been taken to change the name of owner in certificate of registration of vehicle after transfer. Therefore, the MACT held the registered owner and subsequent owners as jointly liable.

8. Counsel for appellant/respondent no.2 has not provided any lead into

the transfer documents, which would prove that they have taken ownership from respondent no. 6/respondent no.1 and thereafter, transferred the ownership to respondent no.7/respondent no.4.

9. It has been informed by Mr. Birla, that no appeal has been filed by respondent no.6/respondent no. 1 or respondent no.7/respondent no.4.

10. Efforts at attempting to serve respondent no.6/respondent no.1 and respondent no.7/respondent no.4 have not succeeded.

11. The order sheet shows various orders of the Joint Registrar for many years the matter has been getting adjourned due to attempts to serve and no proof of service, even by publication, has been filed by appellant/respondent no.2.

12. Nevertheless, the Court does not see any reason to upset the impugned award.

13. The appeal is, accordingly, dismissed, in view of the aforesaid observations.

14. Order be uploaded on the website of this Court. (ANISH DAYAL) JUDGE MARCH 19, 2026/RK/sp

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