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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

ON THE 6th OF DECEMBER, 2023

MISC. APPEAL No. 728 of 2023

BETWEEN:-

1. **MANCHAND YADAV S/O CHAITU YADAV, AGED ABOUT 30 YEARS, OCCUPATION: VEHICLE (TRACTOR) OWNER R/O NAVEGAV POLICE STATION KUNDIPURA TEHSIL AND DISTRICT CHHINDWARA (MADHYA PRADESH)**
2. **KACHRA BAI W/O CHAITU YADAV, AGED ABOUT 60 YEARS, OCCUPATION: HOUSEWIFE R/O NAVEGAV POLICE STATION KUNDIPURA TEHSIL AND DISTRICT CHHINDWARA (MADHYA PRADESH)**

.....APPELLANTS

(BY SHRI PUSHPENDRA DUBEY - ADVOCATE)

AND

1. **SMT. DURGI BAI W/O LATE RAMCHARAN UIKE, AGED ABOUT 35 YEARS, OCCUPATION: LABOURER R/ONAVEGAV POLICE STATION KUNDIPURA TEHSIL AND DISTRICT CHHINDWARA (MADHYA PRADESH)**
2. **KU. KANCHAND D/O LATE RAMCHARAN UIKE, AGED ABOUT 16 YEARS, OCCUPATION: THROUGH LEGAL REPRESENTATIVE MOTHER R/O NAVEGAV POLICE STATION KUNDIPURA TEHSIL AND DISTRICT CHHINDWARA (MADHYA PRADESH)**
3. **KU.KAMINI D/O LATE RAMCHARAN UIKE, AGED ABOUT 12 YEARS, OCCUPATION: MINOR THROUGH LEGAL REPRESENTATIVE MOTHER R/O NAVEGAV POLICE STATION KUNDIPURA TEHSIL AND DISTRICT CHHINDWARA (MADHYA PRADESH)**
4. **SHRIPAT S/O PHOOLJHAR UIKE, AGED ABOUT 60**

YEARS, OCCUPATION: LABOURER R/O NAVEGAV
POLICE STATION KUNDIPURA TEHSIL AND
DISTRICT CHHINDWARA (MADHYA PRADESH)

5. KAMLA W/O SHRIPAT UIKE, AGED ABOUT 55
YEARS, OCCUPATION: LABOURER R/O NAVEGAV
POLICE STATION KUNDIPURA TEHSIL AND
DISTRICT CHHINDWARA (MADHYA PRADESH)
6. RAMNATH S/O SHRIPAT UIKE, AGED ABOUT 15
YEARS, OCCUPATION: THROUGH LEGAL
REPRESENTATIVE MOTHER R/O NAVEGAV
POLICE STATION KUNDIPURA TEHSIL AND
DISTRICT CHHINDWARA (MADHYA PRADESH)
7. RAMBAGAS S/O SHRIPAT UIKE, AGED ABOUT 15
YEARS, OCCUPATION: THROUGH LEGAL
REPRESENTATIVE MOTHER R/O NAVEGAV
POLICE STATION KUNDIPURA TEHSIL AND
DISTRICT CHHINDWARA (MADHYA PRADESH)

....RESPONDENTS

(NONE FOR THE RESPONDENTS)

MISC. APPEAL No. 729 of 2023

BETWEEN:-

1. MANCHAND YADAV S/O CHAITU YADAV, AGED
ABOUT 30 YEARS, OCCUPATION: VEHICLE
(TRACTOR)OWNER R/O NAVEGAV POLICE
STATION KUNDIPURA TEHSIL AND DISTRICT
CHHINDWARA (MADHYA PRADESH)
2. KACHRA BAI W/O CHAITU YADAV, AGED ABOUT
60 YEARS, OCCUPATION: HOUSEWIFE R/O
NAVEGAV POLICE STATION KUNDIPURA TEHSIL
AND DISTRICT CHHINDWARA (MADHYA
PRADESH)

....APPELLANTS

(BY SHRI PUSHPENDRA DUBEY - ADVOCATE)

AND

1. BHARAT YADAV S/O PRASAD YADAV, AGED
ABOUT 50 YEARS, OCCUPATION: LABOURER R/O
NAVEGAV POLICE STATION KUNDIPURA TEHSIL
AND DISTRICT CHHINDWARA (MADHYA
PRADESH)

2. **SMT. GANGA W/O BHARAT YADAV, AGED ABOUT 45 YEARS, OCCUPATION: HOUSEWIFE R/O NAVEGAV POLICE STATION KUNDIPURA TEHSIL AND DISTRICT CHHINDWARA (MADHYA PRADESH)**

.....RESPONDENTS

(NONE FOR THE RESPONDENTS)

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These appeals coming on for admission this day, the court passed the following:

ORDER

These appeals are filed by owner and Driver of the offending vehicle being aggrieved of award dated 4/11/2022 passed by the learned Vth Additional Member, Motor Accident Claims Tribunal, Chhindwara in Claim Case Nos. 311/2019 and 312/2019 on the ground that the offending vehicle which is a Tractor from which the accident took place was already transferred in favour of a third party and, therefore, liability of the present appellants stood extinguished and, therefore, no award could have been passed against them.

On asking of this court, learned counsel for the appellants fairly admits that on the date of the accident which is 11/05/2019, the said Tractor bearing No. MP 28/AC-0593 with attached trolley MP 28/A A-4282 was registered in the name of appellants only and it was not transferred in the records of the R.T.O.

Therefore, looking to this fact and admission and in the light of the law laid down by the Supreme Court in the case of **Prakash Chand Daga Vs. Saveta Sharma and others (2019) 2 SCC 747** and **Naveen Kumar Vs. Vijay Kumar (2018) 3 SCC 1**, the impugned award fastening liability on the registered owner and driver of the offending vehicle cannot be faulted with.

Accordingly, the appeals fail and are dismissed.

Record of the Tribunal be sent back.

(VIVEK AGARWAL)
JUDGE

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