

INDIA JURIS

Change Ownership After Car Sale or Original Owner is Liable

The three judges bench of Supreme Court, in **Naveen Kumar v Vijay Kumar** (Civil Appeal No 1427 Of 2018), on 06th February 2018 has held that the expression 'owner' for the purpose of Motor Vehicles Act is the person in whose name the motor vehicle stands registered.

If you sold your car and did not bother to change the ownership in registration records, you would be liable for compensation claims arising from accidents involving the vehicle even if another person owned and drove the car, the Supreme Court ruled.

According to Supreme Court, the original owner will be liable if the registration is not changed after sale.

The bench headed by the Chief Justice of India Dipak Misra observed that the registered owner, who has purported to transfer the vehicle but continues to be reflected in the records of the registering authority as the owner of the vehicle, would not be discharged from liability.

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Supreme Court Clears Stand on Admissibility of Electronic Records Evidence

In the recent case of **Shafhi Mohammad Vs. The State of Himachal Pradesh SLP(Crl.)No.2302 of 2017**, the Two-Judge Bench of the Supreme Court has on 30th January 2018 held that courts can rely on electronic records as furnishing of certificate under Section 65B(4) of the Evidence Act was not a mandatory provision and it is not always mandatory that a person in a responsible position has to certify them in view of facts and circumstances and if "interest of justice so justifies".

A bench of Justices A.K. Goel and U.U. Lalit said if this were not permitted, it would "be denial of justice to the person who is in possession of authentic evidence/witness".

A bench of Justice AK Goel and Justice UU Lalit clarified this legal position while considering special leave petitions in which the question to be considered was whether videography of the scene of crime or scene of recovery during investigation should be

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necessary to inspire confidence in the evidence collected.

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