

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s).10815 OF 2017
(Arising out of SLP(C) No. 30322 of 2015)

SONIA AND OTHERS & ORS.

Appellant(s)

VERSUS

DHANNA SINGH & ANR.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The Motor Accident Claims Tribunal (MACT) Sangrur vide its Award dated 26.11.2011 passed in Complaint No. 55 had awarded compensation in a sum of Rs.7,03,500/- (Rupees seven lakhs three thousand and five hundred only) alongwith interest at the rate of 7.5% p.a. from the date of filing of the claim petition till its realisation. It was found by the MACT that the truck had dashed against the tree and the criminal case was registered against the driver of the vehicle. Owner of the vehicle had denied the accident itself as well as the ownership of the truck. But on both the counts the MACT decided against the owner and driver.

On appeal the High Court had reversed the Award passed by the MACT and as awarded sum of Rs.50,000/- (Rupees fifty thousand only) on account of no fault liability with interest at the rate of 6% p.a.

After hearing learned counsel for the parties, we are of the opinion that the High Court had erred in holding that the negligence of the driver of truck could not be established. The method and manner in which the accident has taken place speaks for itself. Principle of res ipsa loquitur is applicable in such cases. Apart from that admittedly criminal case had been registered against the driver of the vehicle. The finding of negligence of driver was thus rightly arrived at by the MACT.

In the facts and circumstances of the case, MACT had reached to a reasonable conclusion which a prudent person could have arrived. Thus the High Court had erred in reversing the award passed by the MACT. We restore the Award of the MACT and set aside the judgment and order passed by the High Court.

Let amount as determined by the MACT be paid within a period of three months from today after deducting the amount, if any already paid as per the order of the High Court.

The appeal is allowed.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;

AUGUST 22, 2017

ITEM NO.4

COURT NO.11

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 30322/2015

(Arising out of impugned final judgment and order dated 17-10-2014 in FAO No. 1009/2012 passed by the High Court of Punjab & Haryana At Chandigarh)

SONIA AND OTHERS & ORS.

Petitioner(s)

VERSUS

DHANNA SINGH & ANR.

Respondent(s)

(and IA No.63161/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.63164/2017-EXEMPTION FROM FILING O.T. FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS ON IA 48999/2017)

Date : 22-08-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGUDAR

For Petitioner(s)

Mr. A. Tiwari, Adv.

Ms. Eliza Bar, Adv.

Mr. Rabin Majumder, AOR

Mr. Tarannum Cheema, Adv.

Mr. Hiral Gupta, Adv.

Mr. Sanjay Jain, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any shall stand disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(signed order is placed on the file)