

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.24068 OF 2017
(Arising out of S.L.P.(C) No.25995 of 2014)

Harkesh Singh

Appellant(s)

Versus

Ranjit Kaur and Others

Respondent(s)

O R D E R

Leave granted.

Heard Mr. Dinesh Kumar Tiwari, learned counsel for the appellant and Mr. Anil Nag, learned counsel for the respondent-insurer.

The grievance of the appellant, the driver of the vehicle in question, relates to the finding pertaining to 40% negligence on his part and as a corollary, the mulcting of the liability proportionately. On a perusal of the award passed by the tribunal and the order passed by the High Court, we think it is a case of composite negligence, not contributory negligence.

In view of the aforesaid, we think it appropriate that the insurer shall indemnify the claims and deposit the balance 40% within twelve weeks hence before the tribunal, failing which it shall carry interest at the rate of 9% per annum from the date of application before the tribunal. After the amount is deposited, the tribunal shall issue notice to the claimants and, thereafter, distribute the amount keeping in view the principle laid down in General

Manager, Kerala State Road Transport Corporation, Trivandrum
vs. Susamma Thomas (Mrs.) and Others (1994) 2 SCC 176.

The appeal is disposed of accordingly. There shall be no order as to costs.

.....CJI.
[Dipak Misra]

.....J.
[Sanjay Kishan Kaul]

New Delhi
December 22, 2017.

ITEM NO.3

COURT NO.1

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.25995/2014

(Arising out of impugned final judgment and order dated 22-01-2014 in FAO No. 1126/2013 passed by the High Court of Punjab & Haryana at Chandigarh)

HARKESH SINGH

Petitioner(s)

VERSUS

RANJIT KAUR AND ORS. & ORS.

Respondent(s)

Date : 22-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Dinesh Kr. Tiwari, Adv.
Mr. C.K. Pandey, Adv.
Mr. Ram Naresh Yadav, AOR

For Respondent(s) Mr. Anil Nag, AOR
Mr. Abhilash Nag, Adv.
Mr. Arun Singh, Adv.

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.

(Chetan Kumar)
Court Master

(Jagdish Chander)
Court Master

(Signed order is placed on the file)