

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).3847 OF 2017  
(Arising out of SLP(C) No.17580/2016)

SUNITA SHARMA & ORS

APPELLANTS

VERSUS

H.R.T.C. & ANR

RESPONDENTS

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal arises out of claim for compensation under Section 166 of the Motor Vehicles Act, 1988 on account of death of Sita Ram in the accident which took place on 09.12.2004. The claimants are the widow and the son of the deceased.

The Tribunal as well as the High Court held that accident did not take place due to negligence of the driver of the bus and rejected the claim.

We have perused the evidence of PW-3 - Dil Bahadur, who was travelling in the car and the stand of the driver of the bus in question, who has not disputed the accident.

In view of the evidence on record, it is not possible to sustain the finding that the driver of the bus

was not negligent. Approach of the Tribunal as well as the High Court in rejecting clear testimony of PW-3 is clearly erroneous.

Accordingly, we set aside the impugned order and award compensation of Rs.7,50,000/- (Rupees seven lakh fifty thousand only) lump sum, including the component of interest, to be paid within three months.

If the amount is not paid within three months, it will be open to the appellants to take execution for recovery of the amount and the amount will carry interest @ 9% after expiry of three months from today.

The appeal is allowed in above terms.

.....J.  
[ADARSH KUMAR GOEL]

NEW DELHI;  
9TH MARCH, 2017

.....J.  
[UDAY UMESH LALIT]

ITEM NO.10

R E V I S E D  
COURT NO.13

SECTION XIV

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). 17580/2016

(Arising out of impugned final judgment and order dated 30/10/2015 in FAO No. 437/2008 passed by the High Court of Himachal Pradesh at Shimla)

SUNITA SHARMA & ORS

Petitioner(s)

VERSUS

H.R.T.C. & ANR

Respondent(s)

Date : 09/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Arun Bhardwaj, Adv.  
Mr. Ronak Karanpuria, Adv.  
Mr. Ashish Pandey, Adv.  
Mr. Sumit Sharma, Adv.  
Mr. Vishwa Pal Singh, Adv.

For Respondent(s) Mr. Varinder Kumar Sharma, Adv.  
Ms. Suman Rani, 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.

(SWETA DHYANI)  
SR.P.A

(SUMAN JAIN)  
COURT MASTER

(Signed order is placed on the file)

ITEM NO.10

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Petitioner(s)

VERSUS

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Mr. Ashish Pandey, Adv.  
Mr. Sumit Sharma, Adv.  
Mr. Vishwa Pal Singh, Adv.

For Respondent(s) Mr. Varinder Kumar Sharma, Adv.  
Ms. Suman Rani, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(SWETA DHYANI)  
SR.P.A

(SUMAN JAIN)  
COURT MASTER

(Signed order is placed on the file)