

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 9370 OF 2014  
(Arising out of S.L.P.(C) No. 3720 of 2014)

KU.YESHA TEKCHANDANI ... APPELLANT(S)

VERSUS

MAHESH TEKCHANDANI & ANR. ...RESPONDENT(S)

O R D E R

Leave granted.

The claimant-appellant herein is aggrieved by rejection of her claim petition filed under Section 166 of the Motor Vehicles Act for the risk that she has neither pleaded nor proved the negligence and rashness on the part of the driver of the car. The said finding is seriously contended by the appellant herein with reference to the averments to the claim petition filed under Section 166 of the Motor Vehicles Act. The evidence also adduced in this regard by examining the pillion rider.

In this view of the matter, the finding on the question of negligence is erroneously recorded as the same is non consideration of evidence on record. On this ground alone, the impugned order cannot be allowed to sustain and, accordingly, we set aside the impugned order and remit the matter to the Motor Accidents Claim Tribunal to examine the

claim of the appellant herein and determine just and reasonable compensation in accordance with law, as expeditiously as possible, after giving an opportunity to both the parties.

The appeal is disposed of in the aforesaid terms.

.....J.  
(V. GOPALA GOWDA)

.....J.  
(ADARSH KUMAR GOEL)

NEW DELHI,  
SEPTEMBER 26, 2014

ITEM NO.37

COURT NO.13

SECTION XV

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). 3720/2014

(Arising out of impugned final judgment and order dated 23/08/2013 in SBCMA No. 1292/2012 passed by the High Court of Rajasthan at Jaipur)

KU.YESHA TEKCHANDANI

Petitioner(s)

VERSUS

MAHESH TEKCHANDANI &amp; ANR.

Respondent(s)

Date : 26/09/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s)      Mr. Pradeep Aggarwal, Adv.  
                                 Mr. Lal Pratap Singh, Adv.  
                                 Mr. Umesh Pratap Singh, Adv.  
                                 Ms. Ruchi Kohli, Adv.

For Respondent(s)

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.

(S. K. RAKHEJA)  
COURT MASTER

(MALA KUMARI SHARMA)  
COURT MASTER

(Signed order is placed on the file)