

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.

by The claimant-appellant herein is aggrieved

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,

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the impugned order cannot be allowed to sustain

and,

Digitally signed by
Sushil Kumar Rakheja

Date: 2014.10.11

13:45:04 IST

Reason:

accordingly, we set aside the impugned order and remit the matter to the Motor Accidents Claim Tribunal to examine the

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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.

