

ITEM NO.109

COURT NO.1

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1887 OF 2007

M.S.R.T.C.

Appellant (s)

VERSUS

PRASAD VASANTRAO DESHPANDE ETC. Respondent(s)
(With appln(s) for vacation of ex-parte stay and early hearing)

Date: 15/01/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s) Mr. R.S. Hegde,Adv.
Mr. Chandra Prakash,Adv.
Mr. Rajeev Singh,Adv.

For Respondent(s) Mr. M.Y. Deshmukh,Adv.
Mr. Yatin M. Jagtap,Adv.
Mr. Rameshwar Prasad Goyal,Adv.

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

Heard learned counsel for the parties and perused the relevant material.

The appeal is dismissed in terms of the signed order.

[Madhu Bala] [Savita Sainani]
Court Master Assistant Registrar
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1887 OF 2007

M.S.R.T.C.

...APPELLANT(S)

VERSUS

PRASAD VASANTRAO DESHPANDE ETC.

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties and perused the relevant material.

Taking note of the specific finding by the Tribunal based

on the materials that the driver of the bus alone was responsible and negligent which was affirmed by the High Court, we are not inclined to interfere with the said finding on the aspect of negligent.

Coming to the quantum, it is not in dispute that the claimants placed relevant acceptable materials to substantiate their claim. On going through the same, the High Court passed the impugned order and enhanced the amount. In the light of the oral and documentary evidence and also of the fact that the High Court has analyzed all the materials correctly, we are not inclined to interfere with the finding on quantum also.

Accordingly, the appeal fails and the same is dismissed.

...2/-

-2-

It is represented by the counsel appearing on behalf of the appellant- Maharashtra State Road Transport that pursuant to the order of this Court dated 24.01.2005 the appellant has duly complied with by depositing 50% of the enhanced amount. The above statement is hereby recorded. The appellant is directed to deposit the balance amount within a period of eight weeks before the Tribunal from the date of receipt of copy of this order. On such deposit, the claimants are permitted to withdraw the entire amount as apportioned by the Tribunal.

.....CJI.
[P. SATHASIVAM]

.....J.
[RANJAN GOGOI]

.....J.
[SHIVA KIRTI SINGH]

NEW DELHI
15TH JANUARY, 2014