

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

Petition(s) for Special Leave to Appeal (Civil) No(s).6633/2007

(From the judgement and order dated 07/08/2006 in FAO No. 1891/1995 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SURJIT KAUR & ANR. Petitioner(s)

VERSUS

NATIONAL INSURANCE COMPANY & ORS. Respondent(s)

(With office report)

Date: 27/08/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Ujjal Singh, Adv.
Mr. J.P. Singh, Adv.
Mr. R.C. Kaushik, Adv.

For Respondent(s) Mr. Rajvinder Singh, Adv.
Mr. Sudhir Kumar Gupta, Adv.
Mr. Manish Gupta, Adv.

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

Leave granted.

Appeal is allowed in terms of the signed order.

(Sushma Batra)
Sr.P.A.

(Indu Satija)
Court Master

Signed order is place on the file.
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2010
(Arising out of SLP(C) No. 6633 of 2006)

SURJIT KAUR AND ANR. APPELLANT(S)

VS.

NATIONAL INSURANCE COMPANY & ORS. ... RESPONDENTS

ORDER

Leave granted.

This appeal has been filed against the impugned judgment of the Punjab and Haryana High Court dated 7.8.2006.

The facts have been stated in the impugned judgment and hence we are not repeating the same here except wherever necessary.

The Motors Accident Claim Tribunal (for short 'the Tribunal') has awarded a sum of Rs. 6,60,000/- plus interest as compensation to the claimants. The High Court in appeal reduced the amount by 25% holding that there was contributory negligence. We have gone through the entire record of the case, impugned judgment of the High Court as also award of the Tribunal, and find that there was no contributory negligence at all. The bus had reversed without any sign and without blowing any horn and hit the deceased doctor on the chest and pelvic region. In our view, there can not be said to have been any contributory negligence.

Hence, we Allow this appeal, set aside the impugned judgment of the High Court and restore the award of the Tribunal. The compensation amount shall be paid to the appellant within three months from today.

.....J
(MARKANDEY KATJU)

.....J
(T.S. THAKUR)

NEW DELHI
27TH AUGUST, 2010