

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6698/2007

(From the judgement and order dated 16/11/2006 in FAO No. 862/1995  
of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GURDEV SINGH

Petitioner(s)

VERSUS

ANIL KUMAR AGGARWAL

Respondent(s)

(With application for stay)

Date: 05/12/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Brijender S. Dholl,Adv.  
Mr. Anil Nag,Adv.

For Respondent(s) Mr. P.N. Puri,Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard the learned counsel for the parties.

The appeal is dismissed in terms of the signed order.

(A.S. BISHT)  
COURT MASTER(PUSHAP LATA BHARDWAJ)  
COURT MASTER[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7326 OF 2008  
[Arising out of SLP(C) No. 6698/2007]

GURDEV SINGH

... APPELLANT(S)

:VERSUS:

ANIL KUMAR AGGARWAL

... RESPONDENT(S)

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that the finding of the High Court that the vehicle owned by the appellant, bearing registration No. HR-07/1654, was involved in an accident with a three-wheeler tempo, bearing No. HRE 3122, in which the respondent was travelling, being a pure question of fact, no case is made out for our interference under Article 136 of the Constitution of India.

Learned counsel for the appellant has taken us through the entire judgment of the High Court to contend that the salient features of the case which the learned Tribunal considered in its award, have not been taken into consideration by the High Court.

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Learned counsel for the respondent, however, has also taken us through the award of the Tribunal as also the evidence of the doctor who had treated the claimant.

Having considered the entire material available on record, we are of the opinion that the High Court's view that the accident had taken place and the claimant-respondent had been travelling in the three-wheeler tempo aforementioned, is a plausible view.

In that view of the matter, we are of the opinion that no case has been made out for interference with the impugned judgment of the High Court. The appeal is dismissed accordingly.

.....J  
(S.B. SINHA)

.....J  
(CYRIAC JOSEPH)

NEW DELHI,  
DECEMBER 5, 2008.