

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

CIVIL APPEAL NO(s). 8594 OF 2003

MOHD. HANIF & ANR.
(s)

Appellant

VERSUS

H.P. ROAD TRANSPORT CORPN. & ORS.
(s)

Respondent

(With prayer for interim relief)

Date: 29/11/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH
HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant(s) Mr. M. Mohsin, Adv.
Ms. Anuradha Chakrabarty, Adv.

For Respondent(s) Mr. Triloki Nath Razdan, Adv.

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

The appeal is dismissed in terms of the signed order.

(SUKHBIR PAUL KAUR)
COURT MASTER

(VIJAY DHAWAN)
COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8594 OF 2003

MOHD. HANIF & ANR.

.....APPELLANT(S)

VERSUS

H.P.ROAD TRANSPORT CORPN. & ORS.

.....RESPONDENT(S)

O R D E R

This Appeal by Special Leave is directed against the judgment and order of the High Court of Delhi in F.A.O. No.225 of 1993 dated September 8, 1999 whereby the High Court dismissed the appeal preferred by the appellants under Section 173 of the Motor Vehicles Act. Earlier the Motor Accident Claims Tribunal, Delhi had dismissed the claim petition of the appellants by Order dated 26.8.1993.

The accident is alleged to have taken place on 18.9.1988. One Abdul Kadir, who was going on a bicycle is

stated to have been hit by the bus owned by the Respondent

Corporation and driven by Respondent No.3 - the driver.

The case of the appellants was that the vehicle was being

driven in a rash, reckless and negligent manner as a

result of which the aforesaid Abdul Kadir sustained

serious injuries including head injuries, resulting in his

death.

The Tribunal as well as the High Court have

considered the evidence on record produced on behalf of

the claimants and the respondents, and they have

concurrently

-2-

recorded the finding of the fact that the bus, at the time

of the accident, was stationary and it was the deceased

who came on a bicycle in a rash and negligent manner and

hit the bus. The cycle struck the front bumper of the bus

as a result of which the deceased fell down. As a result

of the impact, he suffered skull injuries which resulted in his death.

We have heard counsel for the parties and we have examined the evidence on record.

There is evidence of two passengers who have deposed that the bus was stationary when the deceased came on his bicycle in a rash and negligent manner and hit against the bus, which was stationary as it had stopped on a red signal at the crossing. We find no reason to interfere with the concurrent findings.

There is no merit in this appeal and the same is, accordingly, dismissed.

J.

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(B.P.SINGH)

.....

J.

(P.K.BALASUBRAMANYAN)

NEW DELHI;

NOVEMBER 29, 2005

