

ITEM NO.1

COURT NO.17

SECTION IV-B

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

Petition(s) for Special Leave to Appeal (C) No(s). 12555/2019

[Arising out of impugned final judgment and order dated 20-11-2018 in FAO No. 4903/2013 passed by the High Court of Punjab & Haryana at Chandigarh]

ANIL KUMAR

Petitioner(s)

VERSUS

UMESH KUMAR & ORS.

Respondent(s)

Date : 04-09-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K. VINOD CHANDRAN
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) :

Mr. Tarjit Singh Chhikara, Adv.
Mr. Abhaya Nath Das, Adv.
Mr. Gaurav Mani Tripathi, Adv.
Mr. Boya Kranthi Naidu, Adv.
Mr. S S Bandyopadhyay, Adv.
Mr. Mohammed Abrar Ahmed Khan, Adv.
Mr. Kishor Kumar Mishra, Adv.
Dr. Aditya Mishra, Adv.
Ms. Swati Mishra, Adv.
Mr. B C Bhatt, Adv.
Ms. Arina Bhattacharjee, Adv.
Ms. Krishnika Chatterjee, Adv.
Mr. Satish Kumar, AOR

For Respondent(s) :

Ms. Meenakashi Midha, Adv.
Mr. Raman, Adv.
Mr. Kabir Gautam, Adv.
Mr. Chander Shekhar Ashri, AOR

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

1. The petitioner is the claimant in a motor accidents claim, where the Tribunal and the High Court have found contributory negligence.

2. Learned counsel for the petitioner raised two contentions against the findings of the Tribunal and the High Court. One, that no issue was raised by the Tribunal on contributory negligence and two, that the driver of the other vehicle did not have a valid license.

3. The first issue raised by the Tribunal is as to whether the vehicle's driver was driving the vehicle rashly and negligently, which encompasses within itself an issue as to whether there was contributory negligence. The contributory negligence on the applicant's part was found by the Tribunal on the claimant's own admission that the vehicle driven by him had collided with a stationary vehicle, which he did not notice for reason of the headlights of the vehicle coming from the opposite direction. In the circumstance of the claimant having collided with a stationary vehicle, contention with respect to no valid license by the driver of the other vehicle fails.

4. The Learned counsel for the claimant refers to a decision of this Court in Civil Appeal No.3443 of 2023 dated 08.05.2023 (*Virsa Singh & Ors. v. The New India Insurance Company*), which according

to him squarely applies.

5. On a reading of the same, we notice therein that the pillion rider of the motorbike, driven by the deceased, deposed before Court that the bike he was travelling in, hit a lorry, which was parked in the middle of the road, without any indication such as parking lights or reflector; clearly distinguishable from the instant case. There is no such case set up by the injured-claimant before the Tribunal.

6. We find no reason to entertain this special leave petition; hence, the same stands dismissed.

7. Pending application(s), if any, shall stand disposed of.

(RASHI GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)