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SLP(C)No. 1507-1508 OF 2000

ITEM No.23

Court No. 4

SECTION IVB  
A/N MATTER

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.1507-1508/2000

(From the judgement and order dated 05/08/1999 in FAO 1287/99  
and 1288/99 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF PUNJAB & ORS.

Petitioner (s)

VERSUS

SURINDER KAUR(DEAD) & ORS. ETC.  
(With prayer for interim relief)  
With

Respondent (s)

SLP(C)No.11598/2001

Date : 21/01/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. Krishnan Venugopal, Adv.  
SLP(C)Nos.1507-08, Mr. Rajeev Kumar Sharma,Adv.  
11598/00

For Respondent (s) Ms. Kamini Jaiswal,Adv.(NP)  
SLP(C)1507-08,  
11598/00  
Mr. Dharam Bir Raj Vohra,Adv.(NP)  
Mr. Ramesh Chandra Mishra,Adv.  
Mr. Swarup Singh, Adv.  
Ms. Meera Agrawal, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Leave granted.  
Appeals are disposed of in terms of the signed  
order.

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Hemalatha (HK Bhatia)  
Court Master

(signed order is placed on file)

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.PL55

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal Nos.565-566 of 2002@@  
EE  
(Arising out of SLP(C)Nos.1507-1508 of 2000@@  
EE

State of Punjab and Ors. ... Appellant(s)

vs.

Surinder Kaur(D) & Ors. ... Responden(s)

With

Civil Appeal No.567 of 2002@@  
EE  
Arising out ot SLP(C) No.11598 of 2001@@  
EE

O R D E R@@  
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Leave granted.

The appellant is the State of Punjab. The Motor Accident Claims Tribunal (MACT) passed an award in favour of some claimants in respect of an accident involving a vehicle owned by the appellants. A sum of Rs.3.36 lakhs had been awarded by the Tribunal. When the appeal was filed before the High Court the same was disposed of by the impugned judgment. On going through the impugned judgment we found that the High Court took it for granted that evidence of one Rajinder Kumar being an independent witness is a reliable evidence. But we are told by the learned counsel for the appellant-State that the said premise was absolutely wrong since Rajinder Kumar was not even examined as a witness in this case.

:2:

We, thereupon, issued notice to the respondents. Today, learned counsel for the respondent/claimants admitted that the facts stated by the learned counsel regarding non-examination of Rajinder Kumar is true. This is borne out by the recitals made in the award of the Tribunal itself.

It appears that the High Court has only seen the FIR statement of Rajinder Kumar but the premise that Rajinder Kumar is an independent witness and his evidence worthy of acceptance was made without any basis.

We, feel that the appeals preferred before the High Court against the award of the MACT must be considered afresh on all the points. For that purpose, we set aside the impugned judgment and remit the appeals back to the High Court for disposal afresh in accordance with law.

With these observations these appeals are disposed of.

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(K.T. Thomas)@@

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New Delhi .....J@@

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January 21, 2002 (S.N. Phukan)@@

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