

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAI PUR BENCH, JAI PUR

JUDGMENT

S. B. Civil Misc. Appeal No. 1814/2005
S. B. Civil Misc. Stay Application No.
1637/2005

(Chairman, Rajasthan State Road Transport Corporation Versus Banwari Lal Saini & Another)

S. B. Civil Misc. Appeal No. 1842/2005
S. B. Civil Misc. Stay Application No.
1660/2005

(Chairman, Rajasthan State Road Transport Corporation Versus Prabhu Dayal Saini & Another)

Date of Judgment :: 31st January, 2013

HON'BLE MR. JUSTICE MAHESH CHANDRA SHARMA

Mr. Vinod Agarwal, counsel for the appellant
Mr. J. P. Gupta, counsel for the respondents

BY THE COURT:

Both these appeals have been filed by RSRTC against the judgment and award passed by Learned MACT.

Brief facts of the case are that on 11.6.2000 the claimant(s) were coming to Jai pur from Dausa in Jeep No. RJ - 29 C - 1152 in order to drop the then Member of Parliament, Dausa Shri Rajesh Pilot. At about 4.30 PM, when the said Jeep reached at National Highway No. 11 near village Bhandana, the driver of RSRTC Bus No. RJ 14 P 7894 driving it rashly and negligently, overtook one trolley and hit the Jeep, as a result of which one police personnel sitting in the jeep died and other persons

sustained injuries. All the injured persons were taken to SMS Hospital, Jai pur, where Rajesh Pilot succumbed to injuries.

Thereafter claim petitions were filed, notices were issued, issues were framed, evidence was recorded and after hearing both the sides, the Learned Tribunal decreed different amounts in favour of claimants and against the RSRTC.

The RSRTC has filed the aforesaid two appeals challenging the quantum of compensation.

Learned counsel for the RSRTC has contended that the findings of the Learned Tribunal regarding issue no. 1 is absolutely illegal, perverse and contrary to the record. The Learned Tribunal has committed serious error in holding that accident in question occurred due to the sole negligence of the driver of RSRTC, hence the impugned award is liable to be quashed and set-aside.

E Converso, the Learned counsel for the claimants defended the impugned award and stated the same to be just and apposite.

I have heard Learned counsel for the parties and carefully perused the impugned award including the relevant material on

record. The Learned Tribunal in its award observed that on the basis of police investigation, site plan and the statement of the eye witnesses, the negligence of the driver of RSRTC bus driver was proved. The Learned Tribunal having dealt with each and every aspect of the matter, rightly awarded the quantum of compensation. The impugned award is found not to have suffered from any legal flaw, rather it is found to be just and apposite, based on cogent finding, with which I fully concur.

For the reasons stated, I do not find any ground to interfere in the impugned award passed by the Learned Tribunal and the appeals filed by the RSRTC being bereft of any merit deserve to be dismissed, which stand dismissed accordingly.

Stay applications also stand dismissed.

(MAHESH CHANDRA SHARMA), J.
DK

All corrections made in the judgment / order have been incorporated in the judgment / order being E-mailed.

Dilip Khandelwal
PA