

(2010) 09 GUJ CK 0137

In the Gujarat High Court

Case No : First Appeal No's. 1995 of 1982 and 1791 of 1990 and Cross Objection Stamp No. 9221A of 1983 in First Appeal No. 1995 of 1992

GSRTC

APPELLANT

Vs

Nandaben and Others

RESPONDENT

Date of Decision : 08-09-2010

Acts Referred:

Citation : (2010) 09 GUJ CK 0137

Hon'ble Judges : D.A. Mehta, J

Bench : Single Bench

Advocate : Maya Desai, for M.D. Pandya, for the Appellant; M.C. Bhatt, for Defendants 1-5, Rajni H. Mehta, for Defendants 7-9 and Mehul H. Rathod and D.T. Shah for Defendants 7-8, for the Respondent

Final Decision : Dismissed

Judgement

D.A. Mehta, J.—All these appeals and Cross Objections arise out of consolidated common judgment and award of Motor Accident Claims Tribunal (Main) Banaskantha at Palanpur in Motor Accident Claims Petition No. 149 of 1980. First Appeal No. 1995 of 1982 has been filed by S.T. Corporation, while First Appeal No. 1791 of 1990 and Cross Objections Stamp No. 9221A of 1983 have been filed by the Owner and Driver of the jeep. Detailed narration of facts has been recorded in order of even date rendered in First Appeal No. 1993 of 1982 and cognate matters and hence same are not repeated here for the sake of brevity.

2. The Tribunal has awarded total amount of Rs. 48,200/- which has been apportioned in the ratio of 25% vis-a-vis S.T. Corporation and 75% in relation to the Owner and Driver of the jeep. Insofar as the apportionment of contributory negligence is concerned, for the reasons recorded in judgment of even date rendered in First Appeal No. 1993 of 1982 and cognate matters no interference is warranted.

3. Considering the fact that the liability of the S.T. Corporation is Rs. 12,050/- ps.

(25% of the awarded amount) and that of the Owner and Driver of the jeep is Rs. 36,150/-, it is not necessary to discuss the matter in detail.

4. Accordingly, First Appeal No. 1995 of 1982 filed by S.T. Corporation, First Appeal No. 1791 of 1990 and Cross Objections Stamp No. 9221A of 1983 filed by the Owner and Driver of the jeep are all dismissed with no order as to costs.