
(1985) 01 MP CK 0036
In the Madhya Pradesh High Court

Madhya Pradesh State Road Transport Corporation	APPELLANT
Vs	
Deenyar Bomanjee and Others	RESPONDENT

Date of Decision : 08-01-1985

Acts Referred:

Citation : (1985) 1 ACC 527

Hon'ble Judges : S.K. Seth, J

Bench : Single Bench

Judgement

S.K. Seth, J.—In an accident that took place on 21-5-1977 near a Pulia on Chhindwara-Balaghat road, there was a collision between a bus and a truck. The bus belonged to claimant Madhya Pradesh State Road Transport Corporation and was being driven by driver A.W. 1 Nathu Bhau at the relevant time. The truck belonged to N.A. No. 1 Deenyar Bomanjee and was being driven by Non-applicant No. 2 Abdul Rehman at the relevant time. The Claimant-Corporation made an application to the Motor Accident Claims Tribunal, Seoni claiming Rs. 1932.52P from the Non-applicants as compensation for the damage caused to the bus by the rash and negligent driving of the Non-applicant No. 2. A further amount of Rs. 4500/- was also claimed as compensation for the loss caused to the claimant Corporation due to non-operation of the bus for a period of 9 days. The insurance company i.e. the United India Fire and General Insurance Co. Ltd., with whom the truck had been insured was joined as Non-applicant No. 3 in the case. The Tribunal vide its award dated 29-8-1979 passed in Motor Claim Case No. 22 of 1977 dismissed the application made by the Claimant-Corporation. It is being aggrieved by it that the claimant-Corporation has filed the present miscellaneous appeal in this Court.

2. It was clear from the evidence produced in the case that the version of the incident given by the driver of the bus, A. W. 1 Nathu Bhau, in his evidence that on seeing the truck entering the Pulia from the opposite direction, he stopped the bus at a distance of about 15 feet from the Pulia and that after crossing the Pulia the truck dashed against the standing bus, was not correct, N.A.W. 2 Parwat

Singh was the Head Constable who had inspected the spot and prepared a report about the accident soon after the occurrence. A certified copy of the said report was Ex. D-I. It was clear from the said report as also from what was deposed to by this witness in his evidence in the Court that the accident had taken place inside the Pulia and not outside it. The Pulia was 43 feet long and 19 feet wide. The truck had already covered a distance of about 37 feet when the accident occurred. It was significant that it was admitted by the driver of the bus A.W. 1 Nathu Bhau, in the cross examination that the relevant measurements had been taken by the Police party in his presence and that at that time of the said measurement the truck was standing at the same place where it had been standing at the time of accident. It was apparent that once the driver of the bus had noticed that the truck coming from the opposite direction not only entered the Pulia but also covered most part of it he had no business to drive the bus in the Pulia from the opposite side. The Tribunal was right reaching a conclusion that the claimant-corporation failed to establish that the accident had taken place on account of the rash or the negligent driving of the truck by N.A.W. 2

3. There is no merits in the appeal and the same is dismissed with costs Hearing fees Rs. 100/- if certified.