
(2000) 05 MP CK 0076
In the Madhya Pradesh High Court
Case No : M.A. No. 612 of 1999

State of M.P.

APPELLANT

Vs

Mangilal and others

RESPONDENT

Date of Decision : 09-05-2000

Acts Referred:

Citation : (2001) 2 MPLJ 27

Hon'ble Judges : A.M. Sapre, J

Bench : Single Bench

Advocate : Sharma, for the Appellant;

Final Decision : Dismissed

Judgement

A.M. Sapre, J.

This appeal is by the state against an award dated 12-2-1999 passed by Claims Tribunal Rajgarh. By impugned award, the Tribunal has awarded a sum of Rs. 60,000/- by way of compensation for the death of one Babulal who died in a motor accident that occurred on 24-3-1988.

Heard Miss Sharma, Panel Advocate for State on the question of admission.

Having heard the matter, I am of the view that this appeal has no substance whatsoever. Here is a case where one citizen has lost his life due to negligence of State i.e. employee of State. Obviously the State is vicariously liable for the action of their servant. A compensation of Rs. 60,000/- fixed by the Tribunal for the loss of human life is most reasonable and fair one. Even under the Act, the parliament has come forward to fix a sum of Rs. 50,000/- on the principal of no fault liability. I therefore fail to appreciate as to why even the State should file appeal to challenge the grant of compensation of Rs. 60,000/-. The apt observation of his Lordships M.C. Chagla, C.J. in the case of Firm Kaluram Sitaram Vs. The Dominion of India, squarely appeals to this case. His Lordships while deciding a lis between citizen on the one hand and State on the other hand

observed in his concluding para:

(d) Practice State and Citizen Technical pleas --

When the State deals with a citizen it should not ordinarily rely on technicalities and is the State if satisfied that the case of the citizen is a just one, even though legal defences may be open to it, it must act, as an honest person.

The State owes a duty to ensure safety of human being and not to fight litigation on such trifle matters. It has to respect the verdict of a competent Tribunal. Merely because, a right of appeal is available to State like a ordinary litigant it does not mean that in every case such right has to be exercised.

I find in the facts of this case that no case whatsoever was made out to upturn the impugned award. It is a clear case of negligence of driver of vehicle owned by State. The finding of negligence is unassailable and has to be upheld even at the cost of reappraisal of evidence. The state is fortunate not to saddle with the cross appeal at the instance of claimant for enhancement.

Appeal being of devoid of substance the same is dismissed in limine.