

IN THE HIGH COURT OF DELHI AT NEW DELHI**+ MAC.APP.No.916/2006**

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Date of decision: 24th November, 2009

U.P.STATE ROAD TRANSPORT CORPORATION ... Appellant
Through : Mr. S.K. Srivastava, Adv.

versus

SUMER SINGH & ORS. Respondents
Through : Mr. Rakesh Kumar Ahlawat
and Mr. Vinod Ahlawat, Adv.
for R-1.

CORAM :-
THE HON'BLE MR. JUSTICE J.R. MIDHA

1. Whether Reporters of Local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

JUDGMENT (Oral)

1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.1,83,900/- has been awarded to respondent No.1.

2. The accident dated 13th March, 2003 resulted in grievous injuries to respondent No.1 who was travelling in bus No.UP-14/N-5013 while coming from Rishikesh to Delhi. When the said bus reached near Kajampur Gate, a cow came in front of the bus due to which the driver of the bus was not able to control the bus and dashed against the tree resulting in grievous injuries to respondent No.1.

3. The only ground urged by learned counsel for the appellant at the time of hearing of this appeal is that there was no rashness and negligence on the part of the driver of the offending bus who struck

against the tree while saving a cow on the road.

4. The learned Tribunal has given a finding of rashness and negligence on the ground that the driver was not in control of his speed and, therefore, hit against the tree. If the driver had been driving the vehicle carefully, the driver would have applied the brakes to stop the vehicle.

5. There is no infirmity in the finding of rashness and negligence of the driver of the offending vehicle. There is no merit in this appeal which is dismissed.

6. The appellant has deposited Rs.1,33,000/- along with interest thereon with the learned Tribunal in terms of the order dated 20th November, 2006. The appellant shall deposit the balance award amount along with up to date interest with the learned Tribunal within 30 days.

7. Upon the aforesaid deposit being made, the learned Tribunal shall disburse the same to respondent No.1 in terms of its award.

8. After the deposit of the balance award amount along with interest by the appellant with the learned Tribunal, the appellant shall furnish the proof of the same to the Registry whereupon the Registry shall refund the statutory amount of Rs.25,000/- to the appellant through counsel.

9. Copy of this order be given 'Dasti' to learned counsel for the parties under the signature of Court Master.

J.R. MIDHA, J

NOVEMBER 24, 2009

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