



**REPORTABLE**  
**IN THE SUPREME COURT OF INDIA**  
**EXTRA ORDINARY APPELLATE JURISDICTION**  
**SPECIAL LEAVE PETITION(CIVIL) NO(S). \_\_\_\_\_ OF 2026**  
**(Diary No. 27743/2022)**

**PARMILA & ORS. ....PETITIONER(S)**

**VERSUS**

**RAJENDER & ORS. ....RESPONDENT(S)**

**ORDER**

**Mehta, J.**

1. Heard.
2. Delay condoned.
3. The present special leave petition has been preferred against common judgment and final order dated 26<sup>th</sup> March, 2019 passed by the High Court of Punjab and Haryana at Chandigarh<sup>1</sup> in FAO No. 3041 of 2013, which came to be decided along with FAO No. 3040 of 2013, whereby both the appeals were dismissed and the award dated 28<sup>th</sup> September, 2011 passed by the Motor Accident Claims Tribunal, Bhiwani<sup>2</sup>, in Claim Petition Nos. 53 of 2009, 48 of 2011, and 49 of 2011, came to be affirmed.

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<sup>1</sup> Hereinafter, referred to as "High Court".

<sup>2</sup> Hereinafter, referred to as "Tribunal".

4. The Tribunal *vide* aforesaid award dated 28<sup>th</sup> September, 2011 dismissed three separate claim petitions arising out of the same accident, including the claim petition preferred by the petitioners herein in their capacity as the legal heirs of the deceased-Hari Om.

**BRIEF FACTS**

5. Succinctly stated, the facts relevant and essential for disposal of this petition are noted hereinbelow.

6. On 13<sup>th</sup> January, 2009, Hari Om and Sher Singh were proceeding in a car bearing registration No. HP-41A-0444 from Madina towards Mundhal, with Hari Om driving the vehicle and Sher Singh seated besides him. At about 3:30 PM, upon reaching Balambha Mor towards Meham, a Haryana Roadways bus bearing registration No. HR-46A-9693, attached to the Rohtak Depot and driven by respondent No. 1-Rajender, approached from the opposite direction.

7. The said bus is stated to have been driven in a rash and negligent manner, at a high speed and in a zigzag fashion, and collided head-on with the car. The force of the impact resulted in extensive damage to

the car and both occupants of the car sustained multiple grievous injuries and succumbed at the spot. The occurrence was witnessed by Baljeet and his son, who are stated to be the father and brother of the deceased-Hari Om, and were following the car at the relevant time.

**8.** In the aftermath of the accident, FIR No. 11 of 2009 came to be registered under Sections 279 and 304-A of the Indian Penal Code, 1860 in respect of the said occurrence. As a sequel thereto, three separate claim petitions were instituted before the Tribunal by the respective claimants arising out of the same accident.

**9.** Insofar as the death of Hari Om is concerned, a claim petition came to be instituted by his legal heirs, namely, his widow Parmila (petitioner No. 1), his mother Guddi (petitioner No. 2), and his father Baljeet Singh (petitioner No. 3), seeking compensation to the tune of Rs. 50,00,000/-. It was, *inter alia*, pleaded that the deceased-Hari Om was engaged as an agriculturist and also worked as a driver, earning approximately Rs. 20,000/- per month, and that a sum of Rs. 50,000/- was incurred towards transportation and last rites.

**10.** Likewise, in respect of the death of Sher Singh, a separate claim petition was instituted by his legal representatives seeking compensation of Rs.50,00,000/-. In the said petition, it was pleaded that the deceased-Sher Singh, aged about 45 years, was an agriculturist and also engaged in running a milk dairy, earning approximately Rs.35,000/- per month from all sources and that an amount of Rs.50,000/- was spent towards transportation and last rites.

**11.** Apart from the claims arising out of the fatalities, a separate claim was also presented in respect of the damage caused to the vehicle bearing registration No. HP-41A-0444. In this regard, Baljeet Singh, the owner of the car, sought compensation to the tune of Rs. 2,00,000/-, asserting that the vehicle had suffered extensive damage in the collision and had been rendered wholly unfit for repairs.

**12.** Upon consideration of the pleadings of the respective parties, and the material placed on record, the Tribunal formulated the following issues for determination, so as to delineate the scope of adjudication and to address the rival contentions:-

- “1. Whether the accident took place due to rash and negligent driving of bus bearing registration no.HR-46A-9693 by respondent No. 1 Rajender, resulting-into deaths of Sher Singh and Hari Om and damages to the car bearing registration No.HP-41A-0444 of petitioner Baljeet Singh, as alleged? OPP.
2. If issue No. 1 is proved, whether claimants Chhoto etc. of claim petition no.53 of 2009 are entitled for compensation, if so to what amount and from whom? OPP
3. If issue No. 1 is proved, whether claimants Parmila etc. of claim petition no.48 of 2011 are entitled for compensation, if so to what amount and from whom? OPP
4. If issue no. 1 is proved, whether claimant Baljeet of claim petition no.49 of 2009 is entitled for compensation, if so to what amount and from whom? OPP
5. Whether petitions are not maintainable in the present form? OPR
6. Whether respondent No. 1 was not having a valid driving licence and offending vehicle was being driven in violation of the terms and conditions of the insurance policy at the time of accident? OPR-4
7. Relief.”

**13.** The Tribunal, by its award dated 28<sup>th</sup> September, 2011, dismissed all three claim petitions, holding that the accident in question and the resultant fatalities were attributable to the negligence and lack of due care on the part of the deceased-Hari Om (driver of the car), and not to any rash or negligent act on the part of respondent No. 1-Rajender.

**14.** Aggrieved by the award passed by the Tribunal, the petitioners preferred appeals before the High Court, which, by a common judgment and final order dated 26<sup>th</sup> March, 2019, dismissed the said appeals, finding no merit therein, and affirmed the findings as well as the award passed by the Tribunal.

**15.** Being aggrieved thereby, the petitioners have approached this Court by way of present special leave petition under Article 136 of the Constitution of India.

**SUBMISSIONS ON BEHALF OF THE PETITIONERS**

**16.** Learned counsel appearing for the petitioners submitted that the courts below have gravely erred in dismissing the claim petitions, having failed to properly appreciate the material on record and the settled principles governing adjudication of claims under the Motor Vehicles Act, 1988.

**17.** Learned counsel contended that the findings returned by the Tribunal, as affirmed by the High Court, are vitiated by misappreciation of evidence and by attributing negligence to the deceased-Hari Om, without due regard to the attending facts and circumstances of the case.

**18.** Learned counsel appearing for the petitioners submitted that the impugned judgments, suffer from manifest errors apparent on the face of the record, and therefore, warrant interference by this Court in exercise of its extraordinary jurisdiction under Article 136 of the Constitution of India.

**SUBMISSIONS ON BEHALF OF THE RESPONDENTS**

**19.** *Per contra*, learned counsel appearing for the respective respondents supported the judgments passed by the courts below and submitted that the same are well-reasoned and based on a proper appreciation of the material on record.

**20.** It was contended that the findings of the Tribunal, as affirmed by the High Court, are pure findings of fact not warranting interference in the exercise of jurisdiction under Article 136 of the Constitution of India, and that no case of perversity, illegality, or material irregularity has been made out so as to justify such interference by this Court.

**ANALYSIS AND DISCUSSION**

**21.** We have heard and considered the submissions advanced by the learned counsel for the parties and

have gone through the impugned judgments and the material placed on record.

**22.** The Tribunal rejected all three claim petitions on the premise that the accident in question and the consequent fatalities were occasioned due to the negligence and failure to exercise due care on the part of the deceased-Hari Om, driver of the ill-fated car, and accordingly held that no liability could be fastened upon respondent No. 1-Rajender, or by extension, upon the Haryana Roadways, Rohtak and its insurer, ICICI Lombard (Motor Insurance).

**23.** At the outset, we must express our perplexity at the findings recorded by the courts below, which completely absolve respondent No. 1-Rajender of even any contributory negligence. We are of the *prima facie* view that the conclusion that the entire blame for the accident rested solely upon the deceased-Hari Om, without attributing any degree of contributory negligence to the bus driver i.e., respondent No. 1-Rajender, appears to have been arrived at in the absence of a proper and comprehensive consideration of the attendant facts and circumstances. Such a finding, bereft of a reasoned analysis of the manner in which the accident

occurred and the respective conduct of both drivers, raises serious doubt as to its sustainability in law.

**24.** It is well settled that in cases arising out of motor accidents, the determination of negligence must be founded upon a balanced and objective assessment of the conduct of all parties involved, particularly where the circumstances suggest a possible sharing of responsibility. The complete exclusion of contributory negligence on the part of one driver, especially in a head-on collision, ordinarily warrants a careful scrutiny of the surrounding circumstances, including the manner of driving, the point of impact, and other attendant factors. The impugned findings, however, do not reflect such an exercise having been undertaken.

**25.** There is a crucial aspect of the matter which has been completely glossed over by the Tribunal as well as the High Court. Admittedly, respondent No.1-Rajender was driving the offending bus, and therefore, he would have been the best person to narrate the manner in which the accident took place. The specific plea taken by the claimants that respondent No.1-Rajender did not possess a valid and effective requisite driving licence authorising him

to drive heavy passenger vehicle, coupled with the fact that, despite having appeared and filing a written statement, respondent No.1-Rajender did not enter the witness box, either on his own behalf or on behalf of respondent No.2-Haryana Roadways, Rohtak, assumes considerable significance. These aspects were germane to the determination of negligence and the attribution of responsibility for the accident yet have not been duly considered by the courts below.

**26.** The approach adopted by the courts below, in attributing the entirety of blame to one party without adequately examining the role and conduct of the other, does not align with the settled principles governing adjudication of negligence in motor accident cases. The absence of a reasoned and comparative analysis of the respective actions of both drivers renders the conclusions susceptible to doubt and necessitates a closer re-examination of the matter.

**27.** We are also of the view that the Tribunal though having framed a specific issue as to whether respondent No. 1-Rajender was possessed of a valid and effective driving licence at the relevant time, failed to return any categorical finding thereon. The

Tribunal declined to adjudicate the said issue on merits, observing that the same did not call for consideration in view of its finding that respondent No. 1-Rajender was not found responsible for the accident.

**28.** Such an approach, in our opinion, amounts to non-consideration of a material issue arising from the pleadings, which bears directly upon the determination of liability and, therefore, ought to have been duly adjudicated by the Tribunal. Once an issue is framed, it is incumbent upon the adjudicating forum to record a finding thereon, supported by reasons, particularly when the same has a bearing on the rights and liabilities of the parties.

**29.** The failure of the Tribunal to return any finding on the said issue, merely on the premise that the driver of the bus, i.e., respondent No. 1-Rajender, was not found responsible for the accident results in an incomplete adjudication of the dispute. The question as to whether the driver possessed a valid and effective driving licence is not only relevant for determining the *inter se* liability between the insurer

and the insured but also has a material bearing on the overall adjudicatory exercise.

**30.** In the absence of a reasoned determination on such a vital aspect, the award suffers from a manifest infirmity, as it leaves a crucial issue undecided despite it having been specifically framed for consideration. Such non-adjudication undermines the completeness and legality of the findings recorded by the Tribunal.

**31.** The High Court, while affirming the award of the Tribunal, has also failed to advert to or return any finding on the aforesaid material issue relating to the validity and effectiveness of the driving licence of respondent No. 1-Rajender and his non-examination in evidence on behalf the respondent No.2-Haryana Roadways, Rohtak. The said aspect, though specifically arising from the pleadings and forming part of the issues framed by the Tribunal, has not been independently examined by the High Court, thereby resulting in affirmation of the award without due consideration of a relevant and germane question bearing upon the adjudication of liability.

**32.** The said issue assumes greater significance in the facts and circumstances of the present case,

particularly in view of the specific plea of the claimants that the driver of the offending bus was, at the relevant time, undergoing training under a senior driver. In such a factual backdrop, the question relating to the competence, authorisation, and validity of the driving licence of respondent No. 1-Rajender, as well as his independent capacity to operate the vehicle, was not merely ancillary but went to the root of the matter. It, therefore, warranted a clear and categorical determination by both the Tribunal as well as the High Court, having a direct bearing on the adjudication of liability.

### **CONCLUSION**

**33.** In light of the aforesaid discussion, we are of the considered view that the matter warrants reconsideration by the Tribunal. Thus, the impugned judgments are liable to be set aside and the matter is remanded to the concerned Tribunal for fresh consideration of the Claim Petition Nos. 53 of 2009 and 48 of 2011, in accordance with law, after affording due opportunity to the parties and returning clear findings on all issues framed.

**34.** Accordingly, the special leave petition is disposed of in the above terms.

**35.** The Registry is directed to forward a copy of this order to the Motor Accident Claims Tribunal, Bhiwani for taking necessary action in accordance with law.

**36.** Pending application(s), if any, shall stand disposed of.

.....**J.**  
**(VIKRAM NATH)**

.....**J.**  
**(SANDEEP MEHTA)**

.....**J.**  
**(VIJAY BISHNOI)**

**NEW DELHI;**  
**APRIL 23, 2026.**