

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5347 OF 2009

[Arising out of SLP(C) No.7440/2008]

GURLOVLEEN SINGH

.....APPELLANT(S)

Versus

STATE OF PUNJAB & ORS.

.....RESPONDENT(S)

ORDER

Leave granted. Heard the learned counsel.

2. A motor accident involving a scooterist and a Peter Rehra (which is a banned indigenous makeshift motorised vehicle) resulted in the death of the scooterist. In a claim petition by his legal heirs, the Accident Claims Tribunal awarded compensation of Rs.5,04,000/- and directed that 70% of the said amount should be recovered from the eight respondent (who was the driver of the Peter Rehra) and 30% should be recovered from respondents 1 to 4 (the State of Punjab and its functionaries). The State was made liable on the ground that it had failed to curb the menace of such unauthorised vehicles on the road. The said judgment was challenged by respondents 1 to 4 before the High Court on the ground that they could not be made liable to payment part of the compensation. The High Court, by the impugned judgment dated 19.1.2007, did not choose to interfere with the award of the tribunal. But, while dismissing the appeal

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it, however, observed that as the control over motor vehicles under the Act had to exercised by the District Transport Officer and as the District Transport Officer had failed to exercise such control, the 30% amount, which was ordered to be paid by respondents 1 to 4 herein, should be recovered from the salary of the District Transport Officer concerned posted in the district at the time of the accident.

3. Feeling aggrieved, the District Transport Officer is before us. He rightly points out that he did not permit the Peter Rehra to operate or use public places or roads and it was a wholly unauthorised vehicle. If a person unauthorisedly takes out a vehicle on roads obviously the District Transport Officer could not be made liable to pay compensation for the resultant injuries. In fact he was not even heard before making him liable.

4. We, therefore, allow this appeal and delete the last paragraph in the impugned judgement of the High Court whereby the State was directed to recover the money from the appellant (District Transport Officer).

.....J.
(R.V. RAVEENDRAN)

New Delhi;
August 07, 2009.

.....J.
(P. SATHASIVAM)