

SUPREME COURT OF INDIA

M.P. State Road Transport Corporation

Vs.

Zenabhai

C.A.Nos.1801 of 1968

(V. R. Krishna Iyer and A. C. Gupta, JJ.)

17.01.1977

JUDGEMENT

KRISHNA IYER, J. :-

1. Both these appeals arise from a common judgment and can be disposed of briefly by common consent.

2. A bus accident in which the husband of the first appellant in Civil Appeal No. 482 of 1969 died gave rise to a claim for damages on the score that the driver was guilty of rash and negligent driving resulting in the death of the passenger mentioned above. The Motor Vehicles Accidents Tribunal awarded a sum of Rs. 50,000/- by way of compensation to the widow and sons who are the legal representatives of the deceased. An appeal was carried to the High Court by the respondent, the Madhya Pradesh State Road Transport Corporation. In appeal the finding of negligence and liability for damages was upheld but the quantum of compensation was reduced to Rs. 35,000/-. Both sides have come up in appeal to this Court.

3. On behalf of the Road Transport Corporation a point of law was raised by counsel that the deceased was a ticketless traveller and therefore a trespasser and there could be no liability, vicarious or otherwise if by the negligent act of the driver such a trespasser were killed or injured. In the facts and circumstances of this case, we are not inclined to investigate this proposition and counsel on both sides have accepted the suggestion of the court that a sum of Rs. 40,000/- be paid to the appellants in C. A. No. 482/1969 in full settlement of all their claims. We direct the respondents in the said appeal. viz., Road Transport Corporation, to deposit the sum of Rupees 40,000/- before the Tribunal if the amount has not already been deposited, inclusive of costs throughout. In case any part of the amount has been paid, the balance will be deposited before the Tribunal. The Tribunal shall send for the heirs of the first appellant and pay the sum in deposit to them jointly. With this direction, we dispose of the appeals as above. The deposit will be made within one month from today. There will be no order as to costs.

Order accordingly.