

SUPREME COURT OF INDIA

National Insurance Company Limited

Vs.

Ram Kali

Special Leave Petition (C) No. 9065 of 2003

(D. M. Dharmadhikari and S.B.Sinha JJ.)

05.01.2004

JUDGMENT

S. B. Sinha, J.

1. This Special Leave Petition is directed against a judgment and order dated 20th December, 2002 passed by the High Court of Punjab and Haryana at Chandigarh whereby and whereunder the appeal filed by the petitioner herein questioning an award dated 6.9.2002 made by Motor Accident Claims Tribunal, Fatehabad was dismissed. The High Court has dismissed the aforementioned appeal inter alia on the ground that the driving licence of the offending vehicle had been found to be fake. The learned Tribunal, however, arrived at the finding of the fact that the first respondent herein has violated the terms and conditions of the insurance policy by plying the Maruti Van on hire/reward at the time of accident.

2. The said question, it appears from the impugned judgment of the High Court, was not adverted to before it.

3. In view of the fact that both the Tribunal and the High Court had exercised their discretion in favour of the claimant, we do not intend to exercise our discretionary jurisdiction under Article 136 of the Constitution of India. Accordingly, this petition is dismissed. No costs.