

SUPREME COURT OF INDIA

New India Assurance Co. Ltd.

Vs.

Manjit Kaur

S.L.P.(C) No. 176 of 2004

(S. B. Sinha and V.N. Khare JJ.)

05.01.2004

JUDGMENT

V.N. Khare, CJI. & S.B. Sinha, J.

1. This Special Leave Petition is directed against a judgment and order dated 12/12/2002 passed by the High Court of Punjab and Haryana at Chandigarh whereby and whereunder it affirmed the award passed by Motor Accident Claims Tribunal, Ropar in Case No. 119 of 8.12.2000. The question raised in the Special Leave Petition is as to whether in view of the finding of the learned Tribunal that the driver of the Maruti Car was not holding a driving licence and particularly when he happened to be the owner of the vehicle, the learned Tribunal as well as the High Court committed an error in passing the impugned judgment.

2. Keeping in view of the fact that both the Tribunal and the High Court had recorded that the Petitioner would be entitled to realise the amount of compensation as assessed from the driver of the offending vehicle, we do not intend to exercise our discretionary jurisdiction under Article 136 of the Constitution of India, particularly, having regard to our decision in SLP (Civil) No. 9027 of 2003, National Insurance Co. Ltd. vs. Swaran Singh & Ors. we do not intend to exercise our discretionary jurisdiction in the matter.

The petition is dismissed.