

RAJASTHAN HIGH COURT

Rajasthan State Road Transport Corporation

Vs.

Smt. Sodhra Devi

S.B. Civil Misc. Appeal Nos. 1932 of 2001, 1993 of 2001
(Gyan Sudha Misra, J.)

09.01.2002

ORDER

Gyan Sudha Misra, J.

1. A common award was passed by the Motor Accidents Claims Tribunal Beawar in four claim cases which were filed by four different claimants in regard to three deaths which took place on account an accident caused by a bus owned by the Rajasthan State Road Transport Corporation (for short 'RSRTC') since it hit a vehicle called 'Jugad' in colloquial terms on which the deceased persons were travelling. A categorical finding has been recorded against the driver of the vehicle that the accident took place since the bus was driven in a rash and negligent manner as consequence of which the 'Jugad' on which the deceased persons were travelling was hit, killing three persons whose legal representatives filed four claim petitions. However at the moment only three appellants are before this Court against the common award by which the amount of compensation was determined for payment to the legal representatives of the deceased. Since nothing could be elicited against the quantum of compensation which has been determined, it is inessential to enter into the facts in this regard.

2. The principal ground of challenge to the impugned award is that the deceased were travelling on a vehicle known as 'Jugad' which is not a registered vehicle and died in the accident, they were not entitled for any amount of compensation since the manner of travelling itself was illegal. This submission, in my opinion, is not fit to be sustained as the vehicle although might be un-registered, the fact that it was driven as per the traffic rules on the left hand side of the road, the legal representatives of the deceased persons cannot be denied the right of compensation merely because the vehicle was un-registered as long as it was not held liable for contributory negligence.

In the instant case, the evidence on record suggests that it was not the fault of the driver driving the un-registered vehicle which raised the accident but a categorical finding has been recorded that it was the driver of the Bus who was driving in a rash and negligent manner. The basic principle for award of compensation emanates from a situation where a person dies without any fault on his part and his death is caused due to the negligent driving of a vehicle which causes the accident. In the instant case, the evidence does not indicate that the deceased persons who were travelling on the vehicle were negligent in any manner except the fact that they were travelling on a 'Jugad' which was not registered. Mere non-registration of a vehicle cannot be treated as a valid ground for denial of compensation to the dependants of deceased passengers for if it were so, the consequence would be disastrous as in that event it will have to be inferred that if a bullock-cart or a camel-cart is hit by a bus, truck or any other vehicle, the persons or their legal representatives boarding the same would not be entitled to the amount of compensation even if the accident takes place on account of rash and negligent driving or any vehicle colliding with it. Hence, merely because the deceased persons were travelling on a 'Jugad' being an un-registered vehicle and suffered loss of life on account of negligent driving of the bus which hit that vehicle, denial of compensation to their legal representatives would be travesty of justice. Plying of a vehicle on road without registration if it is legally required to be registered, may be an offence for which the owner of the vehicle can be penalized under the relevant law but denial of compensation under the Motor Vehicles Act even if no contributory negligence could be attributed to him cannot be upheld as legal. Hence I do not consider it fit to entertain these appeals. Consequently, all the appeals stand dismissed.

Appeals dismissed.