

A NEW INDIA ASSURANCE CO. LTD.  
v.  
MANJIT KAUR AND ORS.

JANUARY 5, 2004

B [V. N. KHARE, CJ. AND S.B. SINHA, J.]

C *Motor Vehicles Act, 1988—Motor accident—Driver of vehicle not holding licence—Compensation—Awarded by Tribunal and Confirmed by High Court with permission to Insurance Company to realize the amount from the driver of the vehicle—On appeal, held: In view of the facts of the case orders of Courts below justified and need no inference under discretionary jurisdiction—Constitution of India, 1950—Article 136.*

D *National Insurance Co. Ltd. v. Swaran Singh and Ors., [2004] 3 SCC 297, relied on.*

CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) No. 176 of 2004.

E From the Judgment and Order dated 12.12.2002 of the Punjab and Haryana High Court in F.A.O. No. 5766 of 2002.

Dr. Kailash Chand (N.P.) for the Petitioner.

The Judgment of the Court was delivered by

F V. N. KHARE, CJ. 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  
G 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.

H 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. v. Swaran Singh and Ors.* we do not intend to exercise our discretionary jurisdiction in the matter. A

The Petition is dismissed. B

K.K.T.

Petition dismissed.