



Non-Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No..... of 2025
(@Special Leave Petition (C) No.3886 of 2019)**

MEERA BAI & ORS.

APPELLANT(S)

VERSUS

**ICICI LOMBARD GENERAL INSURANCE
COMPANY LTD. & ANR.**

RESPONDENT(S)

J U D G E M E N T

K. VINOD CHANDRAN, J.

1. Leave granted.
2. The claimants before the Tribunal have filed an appeal from the order of the High Court which allowed the appeal of the insurance company and dismissed the claim petition for reason of no eyewitness having been examined to prove the rash and negligent driving.
3. On facts, it needs to be stated that the accident occurred on 29.01.2015 when the deceased was travelling pillion in a motorbike driven and owned by the second

respondent. The FIR was lodged against the owner driver of the vehicle for the offence of rash and negligent driving. A charge sheet was filed against the owner driver. The owner driver filed a written statement before the Tribunal denying the rash and negligent driving on his part, however he did not mount the box to depose that it was not due to his fault that the accident occurred.

4. As far as examining the eyewitness, such a witness will not be available in all cases. The FIR having been lodged and the charge sheet filed against the owner driver of the offending vehicle, we are of the opinion that there could be no finding that negligence was not established.

5. In the above circumstances, we are of the opinion that the order of the High Court must be set aside and that of the Tribunal restored. We do not speak on the quantum, since there is no appeal filed by the claimants against the quantum as determined by the Tribunal.

6. The amounts as directed by the Tribunal with interest at the rate of 7% per annum from the date of presentation of

the claim petition, as directed by the Tribunal, shall be paid expeditiously by the insurance company.

7. The appeal stands allowed on the above terms.
8. Pending applications, if any, shall stand disposed of.

..... J.
(SUDHANSHU DHULIA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
APRIL 30, 2025.**