

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2025
(Arising out of SLP (C) No. 21110 of 2024)

GEETA MANDAL

Appellant (s)

VERSUS

THE REGIONAL MANAGER UNITED INDIA
INSURANCE CO. LTD. & ANR.

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) On the short point of recording the finding of contributory negligence of 50% of the deceased and 50% of the offending vehicle by the MACT¹, affirmed by the High Court², the present appeal has been filed by the mother (dependent) of Mr. Rajesh Mandal who died in a road accident.
- 3) The facts involved in the present appeal are that on 27.12.2015 at about 10.20 p.m., Mr. Rajesh Mandal (deceased), aged 27 years, riding a

1 Motor Accident Claims Tribunal, Kamrup (M), Guwahati

2 Gauhati High Court

motorcycle bearing Registration No. AS-01-AN-4529 met with an accident with truck bearing registration No. BR-30-B-3439 and succumbed to the injuries.

4) The MACT allowed the compensation as Rs.65,01,948/- holding the deceased negligent and to have contributed to the accident to the extent of 50% and the remaining 50% to the offending vehicle. The High Court confirmed the finding of contributing negligence and the amount of compensation. It is only on the point of contributory negligence and resultant 50% deduction from the compensation amount as held by the MACT, confirmed by the High Court, which is questioned in this appeal.

5) We have heard learned counsel for the parties and have perused the spot map. As per the spot map, it is clear that the offending vehicle, that is, truck bearing registration No. BR-30-B-3439 was coming from the northern side towards southern side, while the deceased was going on a motorcycle bearing registration No. AS-01-AN-4529 from southern to northern side. Looking to the angle of movement

made by both the vehicles, which is quite near to the middle of the road, it appears that the finding of contributory negligence of 50% of the deceased as recorded is unjustified.

6) On going through the facts of the case and on perusal of the material placed, in our view, the negligence of the deceased may be right; however, the contribution in accident may be maximum to the extent of 10% and that of the offending vehicle (truck) bearing registration No. BR-30-B-3439 would be of 90%.

7) Accordingly, we modify the finding of MACT and the High Court on the issue of contributory negligence of the deceased from 50% to 10%. In view of the foregoing and with the aforesaid modification on the issue of contributory negligence of the deceased to 10%, the differential amount of compensation as determined by the MACT and the High Court be paid to the claimant within two weeks from the date of receipt of this order.

8) In the above terms, the civil appeal is disposed of. Pending application(s), if any, shall stand disposed of.

....., J.
[**J.K. MAHESHWARI**]

....., J.
[**K.V. VISWANATHAN**]

New Delhi;
May 09, 2025.

ITEM NO.57

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No. 21110/2024

[Arising out of impugned final judgment and order dated 25-07-2024 in MACA No. 1004/2018 passed by the Gauhati High Court]

GEETA MANDAL

Petitioner(s)

VERSUS

THE REGIONAL MANAGER UNITED INDIA
INSURANCE CO. LTD. & ANR.

Respondent(s)

(IA No. 208463/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 09-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Atarup Banerjee, Adv.
Mr. Arindam Sen, Adv.
Mr. Sunando Raha, Adv.
Mr. Sk Sayan Uddin, Adv.
Mr. Kunal Malik, AOR
Mr. Manish Awasthi, Adv.

For Respondent(s) : Mr. Pradeep Gaur, Adv.
Mr. Amit Gaur, Adv.
Ms. Sweta Sinha, Adv.
Mr. Rameshwar Prasad Goyal, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1) Leave granted.
- 2) The civil appeal is disposed of in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)

AR-cum-PS

[Signed order is placed on the file.]

(NAND KISHOR)

ASSISTANT REGISTRAR