

Greetings to All

Heads on collision

- Bijoy Kumar Dugar
Vs

Bidyadhar Dutta and
ors.

- (2006)3 SCC 242

- “...when the vehicles had a head-on collision, the drivers of both the vehicles should be held responsible to have contributed equally to the accident....”

Heads on Collision

**T.O. Anthony
vs
Karvarnan**

(2008) 3 SCC 748

- Difference between 'Composite Negligence' and 'Contributory Negligence'
 - Tribunal to assess the extent of contributory negligence

Heads on Collision

- **Jiju Kuruvila and others vs. Kunjuamma Mohan & Ors., (2013) 8 SCC 166**
- “....the issue regarding the contributory negligence cannot be inferred merely on the position of vehicle as shown in the site-plan. In absence of any direct or corroborative evidence, no inference can be drawn of the contributory negligence on the part of the victim merely on the basis of such site-plan....”

Jiju Kuruvila case

The mere position of the vehicles after accident, as shown in a Scene Mahazar, cannot give a substantial proof as to the rash and negligent driving on the part of one or the other. When two vehicles coming from opposite directions collide, the position of the vehicles and its direction etc. depends on number of factors like speed of vehicles, intensity of collision, reason for collision, place at which one vehicle hit the other, etc.

Jiju Kuruvila case

From the scene of the accident, one may suggest or presume the manner in which the accident caused, but in absence of any direct or corroborative evidence, no conclusion can be drawn as to whether there was negligence on the part of the driver. In absence of such direct or corroborative evidence, the Court cannot give any specific finding about negligence on the part of any individual.

- Mangla Ram vs. Oriental Insurance Co. Ltd
and Others
2018 ACJ 1300 (SC)

- Finding of contributory negligence cannot be recorded on the basis of assumption.

- Dinesh Kumar J. vs. National Insurance Co. Ltd. and Others
2018 ACJ 535 (SC)

- When no evidence was led by the insurance company about contributory negligence of motorcyclist, then tribunal and High Court were not justified in holding that motorcyclist was guilty of contributory negligence.

Thank You