

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

Civil Appeal No.....of 2026
(@Special Leave Petition (C) No.21232 of 2022)

Gurmail Kaur and Ors.

....Appellants

Versus

**National Insurance Company
Limited & Ors.**

....Respondents

O R D E R

Leave granted.

2. The claimants are in appeal before this Court from an order passed by the High Court of Punjab and Haryana at Chandigarh in appeal reversing the judgment of the Motor Accidents Claims Tribunal, Sangrur and finding 100% negligence on the injured-deceased in a motor vehicle accident.

3. The Tribunal had granted a total amount of compensation of Rs.82,65,850/- with 7.5% interest per annum. The amount of compensation was apportioned between the four claimants as seen from the award. The High Court in an appeal filed by the insurer of the offending vehicle, a truck, found that the deceased was crossing the road and was hence totally negligent, thus interdicting a claim by the dependents.

4. We heard Mr. Divyansh Mishra, learned counsel appearing for the appellants and Ms. Meenakshi Midha, learned Standing Counsel for the respondent-National Insurance Company Limited.

5. The controversy is narrow since the High Court found, on the basis of deposition of the eyewitness, that the deceased jumped over a diversion wall on the National Highway which was found to be total negligence on the part of the deceased. The eyewitness was the person who was riding the motorcycle in which the deceased was riding pillion. The pillion rider was dropped off on the side of the National Highway and while he was crossing the road, the accident occurred. In fact, the specific statement of the eyewitness was that the deceased tried to cross the divider on the National Highway when a truck driven rashly and negligently hit him, injuring him fatally. There is a world of difference between a divider and a diversion wall. The divider on the National Highways are put up for keeping the traffic in check, while crossing a divider when walking across the National Highway cannot be said to be a negligent act. The High Court wrongly assumed that the deceased scaled a wall to drop down, on to the Highway while he just stepped over a divider.

6. In the above circumstances, we are of the opinion that the High Court erred egregiously and we set aside the order of the High Court, restoring the order of the Tribunal.

7. The Insurer shall pay the amounts to the claimants, as awarded by the Tribunal within two months from today with interest as directed by the Tribunal.
8. The appeal stands allowed.
9. Pending application(s), if any, shall stand disposed of.

..... J.
[J.B. PARDIWALA]

..... J.
[K. VINOD CHANDRAN]

**NEW DELHI;
JULY 16, 2026.**

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).21232/2022

[Arising out of impugned final judgment and order dated 09-11-2021 in FAO No. 7094/2019 passed by the High Court of Punjab & Haryana at Chandigarh]

GURMAIL KAUR & ORS.

Petitioner(s)

VERSUS

NATIONAL INSURANCE COMPANY LIMITED & ORS.

Respondent(s)

Date : 16-07-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Divyansh Mishra, Adv.
Mr. Ravi Shanker Jha, Adv.
Ms. Pooja, Adv.
Mr. Purushottam Sharma, Adv.
Mr. Manish Kumar, AOR

For Respondent(s) :Ms. Meenakshi Midha, Adv.
Ms. Vartika Gautam, Adv.
Ms. Yadavi Molhotra, Adv.
Mr. Chander Shekhar Ashri, AOR

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)