**SUIT FOR DAMAGES FOR INJURIES CAUSED BY NEGLIGENCE ON A RAIL ROAD**

IN THE COURT OF THE....................

Suit No..................... of 19....................

C. D.................................................................... Plaintiff

*versus*

C. F................................................................. Defendant

The abovenamed plaintiff most respectfully submits as under: —

1. On the.................... day of.................... 19..................... the defendants were common carriers of passengers by roadways between.................... and

2. On that day the plaintiff was a passenger, in one of the carriages of the defendants on the said roadways, the bus No. being....................

3. While he was such a passenger, at.................... (or near the crossing of .................... or between.................... and.................... ), a collision occurred on the said bus by a truck No..................... caused by the negligence and unskillfulness of the defendants’ servants, whereby the plaintiff was much injured (having his leg broken, his head cut, and (state the special damage if any, as), and incurred expense for medical attendance and is permanently disabled from carrying on his former business as (a salesman), (or thus: 3. On that day the defendants by their servants so negligently and unskilfully drove and managed’ their bus at he crossing between .................... and.................... that a truck coming in the right direction of its left, struck to the bus and the bus in trying to save the collision, struck against the plaintiff, whereby.................... (add as in para 3).

4. Cause of action arose within the jurisdiction of this court on.................... when the bus collided with the truck aforesaid and caused damage to the plaintiff’s body.

5. The damages caused to the leg is assessed to be of Rs................... and to the head of Rs................... total amount of damages being Rs..................... The suit is valued as such at Rs..................... and court-fee is paid thereon.

RELIEF CLAIMED:

The relief claimed by way of this suit is the payment of Rs..................... as damages from the defendant to the plaintiff.

Plaintiff

Through Advocate

**VERIFICATION**

I, abovenamed plaintiff, do hereby verify that the contents of paras .................... to.................... of the plaint-are true to my personal knowledge and those of paras.................... and.................... thereof are based on legal advice which I believe to be true.

Verified on this................. day of.................... 19.................... at....................

Plaintiff

**LIABILITY OF INSURANCE COMPANY (SECTION 147)**

Under the Motor Vehicles Act, 1988 an Insurance Policy covering third party risk is not required to exclude gratuitous passengers in a vehicle no matter that the vehicle is of any type or class.1

**JOINT APPEAL BY INSURER AND OWNER.**

A joint appeal by insurer and owner is maintainable only if any of the permitted defences is available to insurer.2

The rights of the third party to get indemnified can be exercised only against the insurer of the vehicle.3

**WORD "DEATH" — INTERPRETATION OF**

Even though Motor Vehicles Act has not defined the word "death" the legal interpretations with reference to word "death" in Workmen’s Compensation Act will be applicable.4

**CALCULATION OF DAMAGES**

A mathematical calculation based only on the amount of salary being drawn could not be the sole factor to be taken into consideration to style, the claim as, unrealistic, or ‘exaggerated’ or ‘excessive’.5

1. New India Insurance Co. Ltd. v. Satpal Singh, AIR 2000 SC 238.

2. Chinnama George v. N. K. Raju, AIR 2000 SC 1565.

3. New India Insurance Co. Ltd. v. Rula, AIR 2000 SC 1082.

4. Rita Devi v. New India Insurance Co. Ltd., AIR 2000 SC 1930.

5. Charan Singh v. Healing Fouch Hospital, AIR 2000 SC 3138.