

Motor Vehicles Act, 1988 (59 of 1988) Section 166 – Contributory Negligence – Motor cycle meant for only two persons to ride was carrying, besides the driver, two persons on the pillion – Motor car hit from behind – Fact that the deceased was riding on a motor cycle along with the driver and another, may not, by itself, without anything more, make him guilty of [contributory negligence](#) – At the most it would make him guilty of being a party to the violation of the law – But such violation by itself, without anything more, cannot lead to a finding of contributory negligence, unless it is established that his very act of riding along with two others, contributed either to the accident or to the impact of the accident upon the victim – There must either be a causal connection between the violation and the accident or a causal connection between the violation and the impact of the accident upon the victim – It is in such cases, where, but for the violation of the law, either the accident could have been averted or the impact could have been minimized, that the principle of contributory negligence could be invoked – Finding of the High Court that 2 persons on the pillion of the motor cycle, could have added to the imbalance, is nothing but presumptuous.

[2020 PLRonline 9092, 2020 SCeJ 289](#)

[MOHAMMED SIDDIQUE V. NATIONAL INSURANCE COMPANY LTD., 2020 PLRonline 9092, 2020 SCeJ 289](#)