

CASE LAW ON BRITISH AMERICAN TOBACCO COMPANY LTD VS BEGUM SHAMSUN NAHAR 66 DLR (2014)

FACTS OF THE CASE:

In this case, the petitioner filed a case against the (British American company ltd), begum Sham sun Nahar worked as a lady confidential typist of this company since 01 january,1985. The plaintiff brought an allegation to the immediate superior of the company verbally. Mr. Erza Ahmed Chowdhury who was one of the two harassers disposed her to the head office. Then the sexual aggravation indicated another harassers Mr. Golam Farook khan. Once he was seen in the toilet of the rest house with a young married lady. On the next day, the petitioner received a letter which was ceasing letter on 2003.

On these circumstances, the petitioner submitted a sued file against this company for unliquidated damages which was approximately 25 crore takas including 25% interest.

Legal issues:

- whether the plaintiff could compensation in tort?
- Whether the defendants had done this wrong in a reasonable manner?

Arguments of the petitioner:

The high court division (HCD) the learned advocated stated that, there was no vicarious liability was held because there was no course of the employment included, no master and servant were responsible. And the terminating process was in a legitimate procedure they argued that.

Argument of the respondent:

the defendants lawyer asserted that, the harassment aggravation was occurred indeed and the terminating procedure did not follow in a peaceful manner. The company did not comply with the 'labor law' policy. And this is not the valid procedure for terminating someone from his working place without any official notice.

And the plaintiff awarded with substantial damages and she could recover such damages in tort.

Judgement:

the (HCD) held that in favor of the petitioner, on the 'labor laws' policy. And she entitled with on amount of money.

Reasoning:

this case contributed a landmark decision in respect of tortious liability.

CASE LAW ON CCB FOUNDATION VS GOVERNMENT OF BANGLADESH 2014

FACTS OF THE CASE:

In this case, On 26 december,2014 the child Ziad fell into the 16-inch width shaft adjacent to the Shahjahanpur railway colony playground which was not covered by the respondent. The defendant party could not be able to recover the boy and they declared that there were no body in the shaft. On the contrary, the volunteer could be able to recover the boy.

Issues:

1. Whether the fundamental principles on Bangladesh constitution infringed the basic right?
2. whether the authority represent here about negligence?

ARGUMENTS OF THE RESPONDENT:

Here the respondent party argued that, there were no enough shaft. They denied their fault.

ARGUMENTS OF THE PLAINTIFF:

PUBLIC INTEREST LITIGATION (PIL)

Barrister Abdul Halim sued a file on behalf of children's charity Bangladesh (CCB) to compensate the Ziad's family. Bangladesh legal aid and services trust (BLAST) took an effective step in favor of the victim's family.

JUDGEMENT:

Bangladesh legal aid and services trust (BLAST) reimbursed TK 30 lakh to the plaintiff family. And the authority made the worst negligence here. (HCD) held that in favor of the plaintiff.

REASONING:

This case involved with the negligence case also both substantial and exemplary damage.

CASE SUMMARY ON BANGLADESH BEVERAGE INDUSTRIES LTD.VS ROWSHAN AKTHER AND OTHERS

FACTS OF THE CASE:

A news reporter in 'the daily shinpada' while crossing a road confronted a horrible road accident on December 03, 1989. The car was the company of beverage industries ltd. consequently, he died on the spot and suffered terminal injuries. At that time, he left his wife, two minor sons, parents, brother and sister.

Later, the deceased wife brought an allegation and sued a file against beverage industries ltd. On 1 January 1991.

LEGAL ISSUES:

1. Whether the plaintiff could get legal remedy on this accident?
2. Whether the defendant could avoid tortious liability?

ARGUMENTS OF THE PLAINTIFF:

The wife of the deceased said that, the accident was the result of the negligence and occurred intentionally.

ARGUMENTS OF THE DEFENDANT:

In this case, the driver of the beverage industries limited totally ignored the cause of accident and avoided his negligence. The witnesses of the beverage industries ltd. Said that their car was drove on the right path but the pedestrian was callous of crossing the road. But two witnesses added that, they were real narrator when the accident happened the deceased pedestrian was crossing the road rightfully.

JUDGEMENT:

The court held that, in favor of the petitioner and obeyed the beverage industries ltd. To pay TK 2,01,47,008 by lessening TK 1,50,00,000 respectively the deceased wife, sister, mother, and brother on 2016.

REASONING:

This case is engaged with both the ‘vicarious liability’ and ‘tortious liability’ on the ground of civil wrong because of unliquidated damages.

• CASE LAW ON CATHERINE MASUD AND OTHERS V MD KASHED MIAH AND OTHERS.

FACTS OF THE CASE:

Prominent film maker Tareq Masud and renowned journalist minshuku Munir were back from the shooting of a famous film ‘maftir Moina’ with a private car along with his wife and others. But in a meantime, a reckless bus occurred collision with their car and loosed five persons lives on spot on 2011. The tragedy arose on Dhaka to aricha highway the name of the place Joka. And the opponent bus was the ‘Charanya deluxe pariah. this case created a stunning point at that time and plays a vital role on the judiciary system of Bangladesh.

LEGAL ISSUES:

1. Are The petitioner entitled with compensation?
 2. The opponent parties were held liable for the wrong?
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ARGUMENTS OF THE PLAINTIFF:

They disputed that, they did not get reasonable compensation or substantial damage on this ground. The intention of the legislature was considered as a valid ground.

ARGUMENTS OF THE DEFENDANT:

The lawyer of the respondent argued that, third party happened this crash. The bus owner of the third party tried to pass their car and tactically ignored their major wrong. And added that, the compensation will be regarded to payable from third party.

JUDGEMENT:

The (HCD) held that, the reasonable amount of compensation was approximately TK 5 crore Catherine Masud the deceased wife and among two other persons and prominent journalist deceased Minshuku Munir. This provision clearly specified on the ground of road accident and traffic negligence.

REASONING:

This case is the excellence of the ‘tortious liability’ and ‘vicarious liability’. The master is held responsible for the negligence of his driver and created a civil wrong on the ground of tort law.

“THE END”
