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C.A.No. 6931 OF 1999

ITEM No.105

Court No. 7

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.6931 of 1999

TEJ KUMARI & ORS. Appellant (s)

VERSUS

JAGDISH SINGH & ORS. Respondent (s)

(With office report)

Date : 25/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)Mr. Lakshmi Raman Singh, Adv.

For Respondent (s)Mr. Ramesh Chandra Mishra, Adv.
Dr. Meera Agarwal, Adv.

Mr. M.K. Dua, Adv.

Ex-parte.

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

Heard parties for ten minutes.

The appeal is dismissed in terms of the signed order.

There will be no order as to costs.

(K.K. Chawla)

Court Master

(Jasbir Singh)

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6931 OF 1999

TEJ KUMARI & ORS. Appellant (s)

VERSUS

JAGDISH SINGH & ORS. Respondent (s)

O R D E R

In this civil appeal, the claimants are claiming enhancement. We, however, find that by an order dated 18th July, 2002, the name of the first respondent (driver) has been deleted from the array of parties on the request of the appellants and at the risk of the appellants. The award of compensation was against all the parties including the driver. Now that the name of first respondent (driver) has been deleted from the array of parties, the award as against the driver cannot be altered. In respect of the same accident and on the same fact, there cannot be two different awards.

Therefore, the appeal is not maintainable even against the other respondents. Accordingly, the appeal stands dismissed. There will be no order as to costs.

.....J.
(S.N. VARIAVA)

.....J.
(H.K. SEMA)
New Delhi;
September 25, 2003.