

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(s). 1452 OF 2005

NEW INDIA ASSURANCE CO. LTD.

Appellant (s)

VERSUS

M/S. SETHIA TRADERS

Respondent(s)

Date: 17/09/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s) Mr. M.K. Dua, Adv.

For Respondent(s) Mr. Arun Kumar Beriwal, Adv. (Not present)

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

The Appeal is dismissed. No costs.

(Parveen Kr. Chawla)  
Court Master

( Indu Satija )  
Court Master

[Signed Order is placed on the File]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.1452 of 2005

New India Assurance co. Ltd.

..Appellant

versus

M/s Sethia Traders

..Respondent

O R D E R

Heard learned counsel for the appellant.

None has appeared for the respondent, though served.

This Appeal has been filed against the impugned  
judgment of the National Consumer Disputes Redressal

Commission, New Delhi dated 11th October, 2004 passed in

Revision Petition No. 1949 of 2004.

It appears that the bus of the respondent had been insured comprehensively by the appellant-insurance company including fire insurance.

On 26.1.1992, the said bus was plying from village Basin to village Berla when suddenly a boy aged about 10 years appeared and dashed against the vehicle and died. Due to the said accident the villagers became violent and set the bus on fire, causing total loss to the vehicle.

Respondent filed a complaint before the District Forum. The District Forum vide its order dated 29th February, 2000 allowed the said complaint with a direction to the appellant to pay Rs.3,50,000/- along with interest at the rate of 12% per annum, from 6.6.1992 till the date of payment and Rs.1,000/- as costs.

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On appeal to the State Commission, the State Commission vide its order dated 14th May, 2004 reduced the compensation from Rs.3,50,000/- to Rs.2,10,000/- but upheld the interest clause.

In Revision, the National Commission has dismissed the revision petition by the impugned order.

Hence, this appeal by special leave.

Learned counsel for the appellant has contended that the Driver who was driving the vehicle had a fake licence. In our opinion, this is wholly irrelevant in the present case. This is not a case of a claim for damages before the Motor Accidents Claims Tribunal for injury or death by a motor accident. In this case, the respondent claimed damages because after the accident the villagers became violent and set the bus on fire and because the said vehicle was insured with the appellant under a comprehensive policy including fire insurance. Hence, whether the driver was having a fake licence or not is totally irrelevant in this case, and in our opinion the appellant was liable to pay compensation.

Accordingly, this appeal is dismissed. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI; .....J.  
SEPTEMBER 17, 2009. [ASOK KUMAR GANGULY]