

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) .2388 OF 2008

MUKAND LTD.

APPELLANT(S)

VERSUS

NATIONAL INSURANCE CO.LTD.

RESPONDENT(S)

O R D E R

We have heard learned counsel for the parties.

We find that in policy 1% per cent excess liability clause was not mentioned and the said clause has been applied twice. The deletion of 270 M.T. scraps is therefore not justified.

Accordingly, the appellant is entitled to the cost of 270 tons M.T. of scrap in question which roughly works out to Rs.15 Lakhs (Rupees Fifteen Lakhs).

Accordingly, we allow this appeal to the extent that the appellant shall be entitled to the amount of Rs.15,00,000/- (Rupees Fifteen Lakhs) which will carry interest @ 9% from 01st January, 1998 till the date of payment.

The amount be paid by the Respondent - National Insurance Co. Ltd. within a period of three months.

The appeal is allowed in above terms.

Pending applications, if any, shall also stand disposed of.

.....J.
[ADARSH KUMAR GOEL]

.....J.
[DEEPAK GUPTA]

NEW DELHI
19TH APRIL, 2017

ITEM NO.119

COURT NO.13

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2388/2008

MUKAND LTD.

Appellant(s)

VERSUS

NATIONAL INSURANCE CO.LTD.

Respondent(s)

Date : 19/04/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s) Mr. N. Ganpathy, Adv.
Mr. Rohan Ganpathy, Adv.
Ms. Nidhi Agrawal, Adv.

For Respondent(s) Mr. Niraj Singh, Adv.
Mr. Ravi Kishore, Adv.
Mr. M. K. Dua, Adv.

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

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall also stand disposed
of.

(SWETA DHYANI)

SR.P.A

(Signed order is placed on the file)

(SAROJ KUMARI GAUR)

COURT MASTER