

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6713 OF 2009

|Jabir Chand & Anr. |.. Appellant(s) |

Versus

|National Insurance Co. & Ors. |.. Respondent(s) |

O R D E R

1. This appeal is directed against the Judgment and order passed by the High Court of Himachal Pradesh at Shimla in FAO No. 366 of 1999, dated 06.09.2005. By the impugned judgment and order, the High Court while disposing of the appeal filed by the insurance company has fastened the liability of paying compensation on the owner of the vehicle.

2. The deceased while working as an agricultural casual labourer met with an accident arising out of the use of the tractor and later died. On the claim petition filed by the legal heirs of the deceased, the Motor Accidents Claims Tribunal, (for short, 'the Tribunal') had awarded a compensation of Rs.1,80,000/- with interest at the rate of 12 per cent to be paid to the claimant jointly by the insurance company and the owner. Aggrieved by the award so passed by the Tribunal, the Respondent - Insurance Company had filed an appeal before the High Court.

3. By the impugned judgment and order, the High Court while disposing of the appeal filed by the Insurance Company has set aside the order so passed by the Tribunal and fastened the liability on the owner of the tractor to pay the compensation. Aggrieved by the order so passed by the High Court the Appellants- owners of the tractor is before us in this civil appeal.

4. Heard learned counsel for the parties to the lis.

5. After carefully going through the judgment(s) and order(s) passed by the High Court as well as of the Tribunal and in view of the peculiar facts and circumstances of the case, we are of the opinion that the Tribunal was justified in fastening the liability of paying compensation on the Insurance Company and the High Court ought not to have modified the award passed by the Tribunal.

6. In view of the above, we allow this appeal, set aside the order so passed by the High Court and restore the order passed by the Tribunal.

.....J.
[H. L. DATTU]

.....J.
[M. Y. EQBAL]

NEW DELHI,
OCTOBER 23, 2013.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6712 OF 2009

|National Insurance Co. Ltd. |.. Appellant(s) |

Versus

|Krishna Devi & Ors. |.. Respondent(s) |

O R D E R

1. Delay condoned.
2. We have heard learned counsel for the appellant.
3. The Civil Appeal being devoid of any merit deserves to be dismissed and is dismissed accordingly.
Ordered accordingly.

.....J.
[H.L. DATTU]

.....J.
[M.Y. EQBAL]

NEW DELHI,
OCTOBER 23, 2013.

ITEM NO.37

COURT NO.4

SECTION XVI

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

Petition(s) for Special Leave to Appeal (Civil) No(s).10355/2012

(From the judgement and order dated 01/08/2011 in MA No.235/2008 of The
HIGH COURT OF PATNA)

ORIENTAL INS.CO.LTD.

Petitioner(s)

VERSUS

LALITA JHA & ORS.

Respondent(s)

WITH

C.A. No. 6712 OF 2009
(With prayer for interim relief and office report)

C.A. No. 6713 of 2009
(With office report)

Date: 23/10/2013 These appeals/petition was called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. Santosh Paul, Adv.
Mr. Piyush Sharma, Adv.

Mr. Arvind Gupta, Adv.
Ms. Arti Singh, Adv.
Ms. Savita Singh, Adv.
Mr. Naveen, Adv.

Mr. J.S. Attri, Sr. Adv.
Ms. Priyanka, Adv.
Mr. Balraj Dewan, Adv.

For Respondent(s) Mr. S.L. Gupta, Adv.
Mr. Vikash Chandra, Adv.
Mr. D.P. Singh yadav, Adv.
Mr. N.N. Bain, Adv.
Ms. Shalu Sharma, Adv.

Mr. Harish Pandey, Adv.

..2/-

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

SLP(C) No. 10355/2012 & C.A. No. 6712 /2009

Dismissed.

C.A. No. 6713 of 2009

The appeal is allowed in terms of the signed order.

| [Charanjeet Kaur] | | [Vinod Kulvi] |
| Court Master | | Asstt. Registrar |

[Two signed orders are placed on the file]