

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3174 OF 2009

PREM RAJ

Appellant(s)

VERSUS

THE ORIENTAL INSURANCE CO. & ORS.

Respondent(s)

O R D E R

1. Order dated 25th September, 2013 is recalled. Appeal restored to its original number.

2. The present appeal, inter alia, challenges the operative portion of the order passed by the High Court of Himachal Pradesh at Shimla in FAO(MVA) No. 49 of 2004, dated 21.09.2004, wherein the High Court while confirming the award so passed by the Motor Accidents Claims Tribunal, Chamba, (for short, 'the Tribunal) has fastened the liability to pay the compensation on the appellant-owner of the vehicle.

3. On the claim petition filed by the Respondents/ claimants the Tribunal while directing the respondent-insurance company to pay the compensation to the respondents/ claimants had ordered to recover the same from the appellant- owner of the vehicle.

4. Aggrieved by the order so passed, Respondent No.1 - insurance company had approached the High Court. The High Court while sustaining the appeal filed by the Respondent No. 1- insurance company had confirmed the order passed by the Tribunal. Being aggrieved by the judgment and order so passed by the High Court, the appellant-owner is before us by way of special leave.

5. We have heard learned counsel for the parties to the lis.

6. After carefully going through the records and in view of the peculiar facts and circumstances of the case we are of the opinion that the High Court was not justified in permitting the respondent No. 1- insurance company to recover the amount of compensation from the appellant-owner of the vehicle.

7. In view of the above, while allowing this appeal we confirm the order passed by the High Court with the modification that the Respondent No. 1- Insurance Company shall not recover any amount from the appellant- owner of the vehicle.

Ordered accordingly.

.....J.
(H.L. DATTA)

.....J.
(MADAN B. LOKUR)

NEW DELHI;
NOVEMBER 29, 2013
ITEM NO.4

COURT NO.4

SECTION XIV

I.A.No.3 in CIVIL APPEAL NO(s). 3174 OF 2009

PREM RAJ

Appellant (s)

VERSUS

THE ORIENTAL INSURANCE CO. & ORS.
(For restoration and office report)

Respondent(s)

Date: 29/11/2013 This Appln. was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Appellant(s) Mr.Vikas Mahajan, Adv.
for Mr. Dharam Bir Raj Vohra,Adv.

For Respondent(s) Ms.Manjusha Wadhwa, Adv.

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

Order dated 25th September, 2013 is recalled. Appeal restored to its original number.

The Civil Appeal is allowed, in terms of the signed order.

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar