

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5863-5864 OF 2014
(@ SPECIAL LEAVE PETITION (C) NOS.13367-13368
OF 2013)

VIMLESH & ORS.

..Appellant(s)

VERSUS

NATIONAL INSURANCE COMPANY LTD.,
GANGAPUR CITY & ORS.

..Respondents(s)

O R D E R

1. Delay condoned.

2. Leave granted.

3. These appeals are directed against the judgment and order passed by the High Court of Judicature of Rajasthan, Jaipur Bench, Jaipur in S.B. Civil Misc. Appeal No.1514 of 2003, dated 15.11.2011 and in S.B. Civil Review Application No.5 of 2012, dated 30.11.2012.

4. The appellants/claimants are the family members of the deceased who died in the Motor Accident. On the claim petition filed by the appellants/claimants, the Tribunal had awarded a

compensation of Rs.11,34,620/- along with interest at the rate of 9 percent and held respondent No.1-insurance company liable to pay
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Ramana Venkata Ganti
Date: 2014.07.01
16:56:12 IST

the compensation.
Reason:

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5. Being aggrieved by the award so passed by the Tribunal, the respondent No.1-insurance company approached the High Court by filing S.B. Civil Miscellaneous Appeal.

6. The High Court had allowed the appeal filed by Respondent

insurance company from its liability and granted liberty to the appellants/claimants to recover the amount of compensation from the owner and the driver of the vehicle.

7. Aggrieved by the order so passed by the High Court the appellants/claimants are before us in this civil appeal.

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

9. We are informed by the learned counsel appearing for the appellants/claimants that the respondent No.1-insurance company has already paid the entire amount of compensation to the appellants/claimants.

10. After carefully going through the judgment(s) and order(s) passed by the Tribunal as well as the High Court and keeping in view the peculiar facts and circumstances of the case, we are of the opinion that in a scenario like this, wherein the insurance company has already paid the entire amount of compensation to the appellants/claimants, the insurance company

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need not have to recover any amount from the appellants/claimants. However, we permit the respondent No.1-insurance company, if they so desire, to recover it from the owner and the driver of the vehicle, in accordance with law.

11. The Civil Appeals are disposed of accordingly.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(S.A. BOBDE)

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

Petition(s) for Special Leave to Appeal (Civil) No(s).
13367-13368/2013
(Arising out of impugned final judgment and order dated 30/11/2012
in SBCMA 1514/2003 in SBCMA 1514/2003 in SBCMA 1514/2003 passed by
the HIGH COURT OF RAJASTHAN AT JAIPUR)

VIMLESH & ORS.

Petitioner(s)

VERSUS

NATIONAL INSURANCE CO. LTD.GANGAPUR &ORS Respondents(s)
(With Appln. (S) for c/delay in filing SLP and Office Report)

Date : 30/06/2014 These petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE S. A. BOBDE

For Petitioner(s) Mr.S.K.Keshote, Sr.Adv.
Mr. Sarad Kumar Singhania,Adv.

For Respondent(s) Ms.Aishwarya Bhati, Adv.
Mr.Anshuman, Adv.
Mr.Amit Verma, Adv.
Mr.Pawan Saini, Adv.
for Gp. Capt. Karan Singh Bhati,Adv.

Dr.(Mrs.)Meera Agarwal, Adv.
Mr.Dhiman Amarjeet Singh, Adv.

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

Delay condoned.

Leave granted.

The appeals are disposed of, in terms of the signed
order.

(G V RAMANA)
COURT MASTER

(VINOD KULVI)
ASSTT.REGISTRAR

(signed order is placed on the file)