

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).9099/2006

(From the judgement and order dated 15/06/2005 in MFA
No.1991/2003, MFA No.1992/2003, MFA No.1994/2003, MFA
No.1995/2003 of The HIGH COURT OF KARNATAKA AT BANGALORE)

SANNA THIMMAPPA & ORS. Petitioner(s)

VERSUS

NEW INDIA ASSURANCE CO. LTD. & ANR. Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)
(For final disposal)

Date: 12/09/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. R.S. Hegde, Adv.
Mr. Chandra Prakash, Adv.
Mr. P.P. Sharma, Adv.
For Mr. P.P. Singh, Adv.

For Respondent(s) Mr. S.L. Gupta, Adv.
Mr. Ram Ashray, Adv.
For Mr. Goodwill Indeevar, Adv.

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

Delay condoned.

No rejoinder affidavit has been filed on behalf
of the petitioners, as directed by order dated March
22, 2010.

Counsel for the petitioners states that so far
he has not been able to get instructions on the issue
on which the rejoinder affidavit is required to be
filed.

...2/-

Counsel for the respondent, Insurance Company,
has filed a counter affidavit in which it is stated
that the claimants in SLPs arising from M.F.A. Nos.
1991 of 2003 and MFA No.1992 of 2003 had also filed

claim cases under the Motor Vehicles Act, which were allowed by the Motor Accident Claims Tribunal and they were paid the amounts of compensation in terms of the award of the Tribunal by the Insurance Company (other than the present respondent). The special leave petitions arising from these two M.F.As. must, therefore, be dismissed on the ground that in connection with the same accident, the claimants have been awarded and paid compensation in the proceedings under Motor Vehicles Act.

So far as, the other two special leave petitions arising from M.F.A. Nos. 1994 and 1995 of 2003 are concerned, counsel for the petitioners is given six weeks' time, by way of last chance, to file a rejoinder affidavit stating whether or not the claimants in these two special leave petitions had also filed any claims under the Motor Vehicles Act.

(Neetu Khajuria)
Sr.P.A.

(S.S.R. Krishna)
Court Master