

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: 22/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Mr. R. S. Hegde, Adv.
Mr. Chandra Prakash, Adv.
Mr. Rahul Tyagi, Adv.
Mr. Amit Wadhwa, Adv.
Mr. J. K. Nayyar, Adv.
Mr. Ashwani Garg, Adv.
Mr. P.P. Singh, Adv.

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

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

The High Court judgment against which this Special Leave
Petition is filed disposed of eight appeals arising from
eight separate claims made before the Labour Officer-cum-
Workman Compensation Commissioner under the Workmen's
Compensation Act. The present SLP is, however, confined to
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only four appeals, that is to say, MFA No.1991/2003, MFA
No.1992/2003, MFA No.1994/2003 and MFA No.1995/2003.

A counter affidavit is filed on behalf of the
respondent, New India Assurance Company Ltd.. In the counter
affidavit, it is stated that the present SLP is not
maintainable also for the reason that in regard to the death
of two brothers, Thineshi and Dugappa, caused in the same
accident (in which the Tractor Trolley on which some people

were travelling was involved in a head on collision with a lorry) claims were filed under the Motor Vehicles Act being case MVC Nos.145 and 146 of 2006 against the Insurer of the Lorry, namely, Oriental Insurance Company.

Those two claims

were compromised and settled in the Lok Adalat for a sum of Rs.2,35,000/- each.

Counsel for the respondent, New India Assurance Company, submitted that having raised the claim under the Motor Vehicles Act any claim under the Workmen's Compensation Act would be barred and the present SLP would, therefore, not be maintainable.

Counsel for the respondent was, however, unable to identify the appeal relating to the death of Thineshi and Dugappa.

Counsel for the petitioner prays for some time to file rejoinder affidavit. Two weeks time is allowed to file the rejoinder affidavit. In the rejoinder affidavit it must be clarified whether any claim under the Motor Vehicles Act was

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made on behalf of the claimants in the four appeals from which this SLP arises

Put up after two weeks.

(Neetu Sachdeva)
Sr. P. A.

(R. K. Sharma)
Court Master