

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

IA 4/2008 in CIVIL APPEAL NO. 3385 OF 2006

YALLAVVA & ORS.

Appellant (s)

VERSUS

DIV.MANAGER,NATIONAL INSURANCE CO. &ORS.

Respondent(s)

(With appln(s) for modification and office report)

Date: 29/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK VERMA

For Appellant(s) Mr. P.P. Singh,Adv.

For Respondent(s)/ Mr. Joy Basu, Adv.
Applicant(s) Mr. Animesh Sinha, Adv.
Mr. B.K.Satija,Adv.

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

Application for modification is allowed.

(R.K.Dhawan)
AR-cum-PS

(Veera Verma)
Assistant Registrar

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A.NO.4
IN
CIVIL APPEAL NO.3385 OF 2006

Vallavva & Ors.

....Applicants/
Appellants

Versus

Divisional Manager,
National Insurance Co. & Ors.

...Respondents

O R D E R

This is an application for modification of the final order passed by this Court on 04.08.2006 in Civil Appeal No.3385 of 2006 preferred by the present Applicants/Appellants.

Even though an award was passed in favour of the claimants, but Insurance Company was exonerated as the deceased was travelling in a truck as a gratuitous passenger.

Said award passed by the Claims Tribunal was further confirmed in appeal by the High Court reiterating that Insurance Company cannot be held liable.

Against the said judgment and award passed by the High Court, the aforesaid appeal was preferred in this Court which has also been disposed of vide order dated 04.08.2006 confirming the findings recorded by Tribunal and High Court.

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In the order it has been mentioned that Insurance Company had deposited the compensation amount and 35% of the same was withdrawn by the claimants.

However, the fact of the matter is that during the pendency of the proceedings, Insurance Company had deposited entire amount of compensation awarded to the applicants together with interest accrued thereon and the same had been withdrawn by the Applicants/Claimants and was apportioned as per the Award.

In this view of the matter, the order dated 04.08.2006 stands modified to the extent that whole of the amount, having been deposited by the Insurance Company, has since been withdrawn by the claimants/Applicants.

Thus, the application for modification is allowed accordingly to the aforesaid extent.

.....CJI
(K.G. BALAKRISHNAN)

.....J.
(DEEPAK VERMA)

New Delhi
March 29, 2010.