

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).11760/2004

(From the judgement and order dated 09/12/2003 in MFA No. 3320/2001 of The H
IGH COURT OF

KARNATAKA AT BANGALORE)

YALLAVVA & ORS.

Petitioner(s)

VERSUS

DIV.MANAGER,NATIONAL INSURANCE CO. &ORS.

Respondent(s)

(With prayer for interim relief and office report)

(For final disposal)

Date: 04/08/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. Girish Ananthamurthy, Adv.

Mr. P.P. Singh,Adv.

For Respondent(s)

Mr. Joy Basu, Adv.

Mr. B.K.Satiya,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard both sides.

The appeal is disposed of in terms of the signed order.

(R.K. DHAWAN)

(VEERA VERMA

COURT MASTER

COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3385 OF 2006

(Arising out of SLP(C) No. 11760/2004)

VALLAVVA & ORS.

... APPELLANTS.

VERSUS

DIV. MANAGER, NATIONAL INSURANCE

CO. & ORS.

... RESPONDENTS.

O R D E R

Leave granted.

Heard both sides.

By the impugned judgment, the High Court affirmed the order of the

Motor Accident Tribunal and an award was passed in favour of claimants. However, the

Insurance Company was not made liable as the deceased was travelling in a truck as a

gratuitous passenger. During the pendency of the proceedings, the Insurance Company

had deposited the compensation amount and 35% of the same was withdrawn by the

claimant. We confirm the finding of the High Court that the Insurance Company is not

liable. We direct that the amount already made available to the claimants shall not be

recovered from them by the Insurance Company. The Insurance

...2/-

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Company would be at liberty to seek any other appropriate remedies as regards the

amount already paid to the claimants. The claimant would be at liberty to recover the

balance decree amount from the other judgment debtor as permissible under law.

The appeal is disposed of accordingly.

.....J

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(K.G. BALAKRISHNAN

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.....J

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(D.K. JAIN)

NEW DELHI ;

AUGUST 4, 2006.