

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 1656 OF 1999

GURCHARAN SINGH & ORS

Appellant (s)

VERSUS

NATIONAL INSURANCE CO.LTD. & ORS

Respondent(s)

(With office report)

Date: 15/12/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. R.K. Talwar, Adv.

Mr. A. Talwar, Adv.

Mr. S.L. Aneja, Adv.

For Respondent(s)

Mr. O.K. Khullar, Adv.

Mr. R.C. Kohli, Adv.

Mr. Prashant Kumar, Adv. (Not Present)

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed, impugned order rendered by the High

Court is set aside and the order passed by the Tribunal is restored.

No costs.

[Charanjeet Kaur]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1656 OF 1999

Gurcharan Singh & Ors. .. Appellant(s)

Versus

National Insurance Co. Ltd. & Ors. .. Respondent(s)

O R D E R

Heard learned counsel for the parties.

The Motor Accident Claims Tribunal, Barnala [for short, "the Tribunal"] awarded

compensation in the sum of Rs. 1,92,000/- along with interest at the rate of 12% per annum

jointly and severally against the owner as well as the Insurance Company. Against the award

of the Tribunal, when the matter was taken to the High Court, award of the Tribunal has been

modified to the extent that owner of the vehicle alone will be liable to pay the amount of

compensation and not the Insurance Company, as the driver was not having any valid licence to

drive the tractor. We find that the point is concluded by a decision of 3-Judge Bench of this

Court in the case of National Insurance Co. Ltd. vs. Swaran Singh & Ors.- 2004 (3) SCC 297

in favour of the appellants.

Accordingly, the appeal is allowed, impugned order rendered by the High Court is set aside and the order passed by the Tribunal is restored.

No costs.

.....J[B.N. AGRAWAL]

.....J [H.K. SEMA]

NEW DELHI,

DECEMBER 15, 2004.