

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7957-7958 OF 2009

National Insurance Company Limited

Appellant(s)

Versus

Vijayasarithi Tobacco Company and Others

Respondent(s)

W I T H

CIVIL APPEAL NO.7959 OF 2009

CIVIL APPEAL NO.7960 OF 2009

CIVIL APPEAL NOS.7961-7962 OF 2009

O R D E R

Heard Mr. Yogesh Malhotra, learned counsel for the appellants, Mr. D.K.B. Sounder Rajan and Mr. G.V.R. Choudary, learned counsel for the respondents.

The only issue that arises for consideration in these appeals is whether the cover note issued by the Trainee Inspector could be treated to be valid, inasmuch as a ground was raised before the trial court that the said cover note was *ante* dated. The claimants filed the suits for claiming certain damages which is covered by the cover note. The insurer filed certain suits ascertaining that the cover note is *ante* dated. The learned trial Judge dismissed the suits filed by the insurer and decreed the suits filed by the claimants. Be it noted, the trial court determined the amount and granted 18% interest on the principal sum.

On appeal being preferred by the insurer, the High Court declined to interfere in the appeal, however, it reduced the interest to 6%. As far as the cover note is concerned, on a perusal of the judgments of the trial court and that of the High Court, we find that it is based on apt appreciation of the factual score and there is no justification to disturb the concurrent findings of fact.

As far as the interest component is concerned, the High Court having granted 6% interest, there cannot be any justification to reduce the same. We have been apprised that the insurer has deposited 50% of the amount along with 18% interest. The said amount shall be adjusted towards the principal and 6% interest shall be paid to the claimants, if not already paid by the insurer.

The appeals are, accordingly, dismissed. There shall be no order as to costs.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi,
April 12, 2018.

ITEM NO.1

COURT NO.1

SECTION XII-A

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

Civil Appeal Nos.7957-7958/2009

NATIONAL INSURANCE CO. LTD. THROUGH ITS
BRANCH MANAGER & ANR.

Appellant(s)

VERSUS

VIJAYASARATHI TOBACCO COMPANY TANGUTUR
THROUGH ITS MANAGING PARTNERS & ORS.

Respondent(s)

WITH C.A. No.7959/2009 (XII-A)
C.A. No.7960/2009 (XII-A)
C.A. No.7961-7962/2009 (XII-A)

Date : 12-04-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s) Mr. Yogesh Malhtora, Adv.
Mr. Gaurav Sharma, AOR
Mr. Udit, Adv.

For Respondent(s) Mr. D.K.B. Sounder Rajan, Adv.
Mr. Mahesh Kumar, Adv.
Mr. P. Narasimhan, AOR

Mr. G.V.R. Choudary, Adv.
Mr. K. Shivraj Choudhuri, AOR
Mr. A. Chandra Sekhar, Adv.
Ms. Ayushi Goel, Adv.

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

The appeals are dismissed in terms of the signed
order.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar
(Signed order is placed on the file)