

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.2813-2814 OF 2005

ORIENTAL INSURANCE CO.LTD. ... APPELLANT(S)

VERSUS

USHA KAPOOR & ORS. ... RESPONDENT(S)

O R D E R

1. We have heard learned counsel for the parties to the *lis*.

2. Having gone through the records of the case and hearing learned counsel for the parties to the *lis*, we are of the considered opinion that the appeals, being devoid of any merit, deserves to be dismissed and are dismissed accordingly. However, question of law raised is kept open to be agitated in an appropriate case.

.....CJI
(H.L. DATTU)

.....J.
(ARUN MISHRA)

NEW DELHI,
SEPTEMBER 29, 2015.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8238 OF 2015
(Arising out of S.L.P. (C) No.13475 of 2006)

SMT. REKHA AND ORS.

..APPELLANT(S)

VERSUS

RAMANAND MISHRA AND ANR.

..RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Judicature of Madhya Pradesh, Jabalpur, Bench at Gwalior in Misc. Appeal No.758 of 2003, dated 27.3.2003.

3. The appellants/claimants are the family members of the deceased, who has met with an accident and succumbed to his injuries. On the claim made by the appellants/claimants, the 2nd Motor Accident Claims Tribunal, Bhind (for short, "the Tribunal"), had awarded a compensation of Rs.1,92,000/- with interest at the rate of 7 per cent from the date of the award till the date of its payment.

4. Being aggrieved by the compensation so awarded by the Tribunal, the respondent No.1-driver of the vehicle preferred appeal before the High Court. The High Court, by its impugned judgment and order, has allowed the appeal filed by the respondent No.1-herein and set aside the order passed by the Trial Court. Aggrieved by the judgment and order passed by the High Court, the appellants/ claimants are before us in this appeal.

5. Heard learned counsel for the parties to the *lis*.

6. After going through the judgments and orders passed by the Tribunal as well as the High Court and keeping in view the peculiar facts and circumstances of the case, we are of the opinion that the compensation awarded by the Tribunal be restored and the impugned judgment and order passed by the High Court be set aside.

7. Accordingly, while allowing this appeal, we set aside the judgment and order passed by the High Court and restore the award passed by the Tribunal.

8. We clarify that the compensation shall be paid by the respondent No.2-insurance company, as expeditiously

as possible at any rate within a period of six weeks from today with a rider that it can recover the same from the respondent No.1-driver of the vehicle.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(ARUN MISHRA)

NEW DELHI,
SEPTEMBER 29, 2015.

ITEM NO.15

COURT NO.1

SECTION XI

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 No(s). 2813-2814/2005

ORIENTAL INSURANCE CO. LTD.

Appellant(s)

VERSUS

USHA KAPOOR & ORS.

Respondent(s)

WITH SLP(C) No. 13475/2006

(With Interim Relief and Office Report)

Date : 29/09/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s)

Mr. M. K. Dua, Adv.
Mr. Kishore Rawat, Adv.

Mr. R. P. S. Bhaduriya, Adv.
Mr. P. K. Jain, Adv.
Mr. Saurabh Jain, Adv.
Mr. P. K. Goswami, Adv.
Mr. S. P. Singh Rathore, Adv.
Mr. Sudhakar Dwivedi, Adv.
Mr. Uday Prakash Yadav, Adv.

For Respondent(s)

Mr. C. P. Sharma, Adv.
Ms. Santosh Singh, Adv.
Mr. Rama Kant Shukla, Adv.
Dr. I. B. Gaur, Adv.

M/s Law Associates & Co., Adv.

Mr. K. K. Bhat, Adv.
Mr. Ranjan K. Pandey, Adv.

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

C.A.Nos.2813-2814/2005:

The Civil Appeals are dismissed, in terms of the
signed order.

C.A.@S.L.P. (C)No.13475/2006:

Leave granted.

Appeal allowed, in terms of the signed order.

Pending application(s), if any, is/are also disposed of.

(G.V.Ramana)

AR-cum-PS

(Two separate signed orders are placed on the file)

(Vinod Kulvi)

Asstt.Registrar