

"ITEM NO.102

COURT NO.1

SECTION IVA

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(s). 1900 OF 2011

GANGAPPA BHEEMAPPA @ SHIVAPPA LAMANI

Appellant (s)

VERSUS

UNITED INDIA INSURANCE CO.LTD.& ANR

Respondent(s)

Date: 23/04/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s) Mr. S.N. Bhat,Adv.

For Respondent(s) Mr. Shakil Ahmed Syed,Adv.

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

Heard learned counsel for the parties and
perused the relevant material.

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

[Madhu Bala] [Savita Sainani]
Court Master Assistant Registrar
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1900 OF 2011

GANGAPPA BHEEMAPPA @ SHIVAPPA LAMANI

...APPELLANT(S)

VERSUS

UNITED INDIA INSURANCE CO.LTD.& ANR

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties and perused
the relevant material.

The claimant is the appellant before us.

In respect of grievous inquires sustained in a

Motor Vehicle Accident, the Tribunal passed an award of Rs.4,19,000/- (Rupees four lakh nineteen thousand) with interest at the rate of 8% from the date of filing of the petition.

Aggrieved by the same, the United India Insurance Company had filed an appeal before the High Court. By the impugned order dated 16th November, 2009, the High Court reversed the decision of the Tribunal and restricted the liability of the Insurance Company to the extent of Rs.88,406/- (Rupees eighty eight thousand four hundred six) with interest at the rate of 12% and in the same order, the High Court directed that the excess compensation awarded by the Tribunal would be recoverable from the owner.

...2/-

-2-

Learned counsel appearing on behalf of the claimant-appellant has brought to our notice various clauses in the policy (Ex. D-1) being unlimited, the High court ought not to have reversed the conclusion arrived by the Tribunal. Though the policy was available before the High Court and the High Court without assigning adequate reasons in the impugned order modified the award of the Tribunal and reduced the amount to the extent of Rs.88,406/- (Rupees eighty eight thousand four hundred six). Inasmuch as no adequate reason is available in the impugned order except the reasons mentioned in para 3, we have no other option except to set aside the same. Accordingly, we remit the matter to the High Court with a request to restore the Miscellaneous First Appeal No. 6316 of 2004 on its file and dispose of the same afresh by passing reasoned order preferably within a period of six months from the date of receipt of copy of this order.

The appeal is disposed of on the above terms.

.....CJI.
[P. SATHASIVAM]

.....J.
[RANJAN GOGOI]

NEW DELHI
23rd APRIL, 2014

.....J.
[N.V. RAMANA]