

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2013  
(Arising out of C.C. No.13061 of 2013)

DIVISIONAL MANAGER,  
NEW INDIA ASSURANCE CO. LTD.

.....PETITIONER(S)

VERSUS  
PARASHURAM SHINDHE & ORS.

.....RESPONDENT(S)

O R D E R

Delay condoned.

Learned counsel for the petitioner submitted that the High Court is not correct in holding that the amount of compensation was liable to be paid by the petitioner-Insurance Company as the driver was holding a licence for the heavy motor vehicle and hence was not entitled to drive a light motor vehicle. However, the Tribunal has already recorded a finding that the driver was holding a valid driving licence and the petitioner-Insurance Company do not appear to have contested the matter as to whether the driver was entitled to drive the light motor vehicle or not since he was holding a licence for heavy motor vehicle. However, the counsel for the first time is presenting this point, although, he has contended that this point was urged before the courts below also but the question which require adducing of evidence cannot be allowed to be raised for

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the first time before this Court. Therefore, this Court cannot enter into the correctness of the finding of the courts below so as to hold that the Insurance Company was not liable to pay the compensation and it is the owner who has to pay the compensation.

The special leave petition, therefore, requires no interference by this Court and it is dismissed.

.....J.  
(GYAN SUDHA MISRA)

.....J.  
(KURIAN JOSEPH)

NEW DELHI,  
JULY 22, 2013.

