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SLP(C)No. 19431-19432 OF 2000  
ITEM No.21 Court No.10

SECTION IVA  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.19431-19432/2000

(From the judgement and order dated 11/06/1999 in MFA 3844/98  
& dt. 4-8-2000 in CP 1109/99 of The HIGH COURT OF KARNATAKA AT  
BANGALORE)

VIJAYAKUMAR BHAVANIRAO KULKARNI Petitioner (s)

VERSUS

KHADARABI & ORS. Respondent (s)

( For Final Disposal )  
( With Office Report )

Date : 07/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. P.R. Ramasesha,Adv.

For Respondent (s) Mr. Arun K. Sinha,Adv.

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

...L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.

The appeals are allowed in terms of the signed order with  
no order as to costs.

.SP1

(D.L. Chugh)  
Court Master

(K.K. Chadha)  
Court Master

Signed order is placed on the file

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.....L.....I.....T.....T.....T.....T.....T.....T.....J  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5162-63 OF 2001@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(Arising out of SLP(C) No.19431-19432 of 2000)

Vijayakumar Bhavanirao Kulkarni

....Appellant

VERSUS

Khadarabi & Ors.

....Respondents

O R D E R@@  
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Heard learned counsel for the parties.  
Leave granted.

By the impugned order, the High Court arrived at a conclusion that the Insurance Company would not be liable on the ground that the deceased was a gratuitous passenger. For that purpose the Court relied on the decision rendered by this Court in Smt. Mallawwa etc. vs. Oriental Insurance Com. Ltd. and others (AIR 1999 SC 589).

Learned counsel for the appellant rightly pointed out that the case of Smt. Mallawwa etc. (Supra) would not be applicable to the facts of the present case because the accident took place on 13th July, 1996 i.e. after coming into force of the Motor Vehicle Act, 1988. This question is decided by this Court in New India Assurance Co. vs. Satpal Singh and others (2000 (1) SCC 237).

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Hence, the owner of the vehicle is entitled to reimbursement of the compensation amount deposited by him. We direct the Insurance Company to do so within eight weeks from today. The appeals are allowed accordingly. There will be no order as to costs.

.SP1

.....J.@@  
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(M.B. SHAH)@@  
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.....J.@@  
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(S.N. PHUKAN)@@  
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New Delhi,  
August 7, 2001