

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8381 OF 2015
(Arising out of S.L.P.(C) No.21219 of 2012)

MOHAMMADKASAM ABDULKARIM DADU .. Appellant(s)

Versus

UNITED INDIA INSURANCE CO. LTD.
AND ORS. .. 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 Gujarat at Ahmedabad in First Appeal No.4492 of 1997, dated 18.01.2012.

3. The appellant/claimant met with an accident and sustained grievous injuries. On the claim made by the appellant/claimant, the Motor Accident Claims Tribunal, Vadodara (for short, "the Tribunal") had awarded compensation of Rs.1,26,400/- with interest at the rate of 15 per cent per annum from the date of the order.

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Charanjeet Kaur
Date: 2015.10.15
10:33:13 IST
Reason:

2

4. Being aggrieved by the compensation so awarded by the Tribunal, the insurance company preferred an appeal before the High Court. By the impugned judgment and order, the High Court allowed the appeal filed by the insurance company and discharged the company from its liability. Aggrieved by the judgment and order passed by the High Court the appellant/claimant is before us in this Civil Appeal.

5. After carefully going through the judgment(s) and order(s) 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 considered opinion that the order passed by the High Court cannot be sustained.

6. Accordingly, we allow this appeal, set aside the judgment and order passed by the High Court and restore the order passed by the Tribunal. The aforesaid amount shall be paid after deducting the amount already paid, if any.

3

7. The Civil Appeal is disposed of accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[ARUN MISHRA]

NEW DELHI,
OCTOBER 07, 2015.

4

ITEM NO.19

COURT NO.1

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 21219/2012

(Arising out of impugned final judgment and order dated 18/01/2012 in FA No. 4492/1997 passed by the High Court Of Gujarat At Ahmedabad)

MOHAMMADKASAM ABDULKARIM DADU

Petitioner(s)

VERSUS

UNITED INDIA INS.CO.LTD.& ORS.
(With office report)
(FOR FINAL DISPOSAL)

Respondent(s)

Date :07/10/2015 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. O.P. Bhadani,Adv.
Mr. Ashok Anand, Adv.

Mr. Rakesh Kumar Singh, Adv.

For Respondent(s) Mr. Navdeep Singh, Adv.
Mr. Ravi Mehrotra, Adv.
Mr. R.K. Sinha, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

Mr. Rajesh Kumar Gupta, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed
order.

As a sequel to above order, all pending
applications, if any, are disposed of.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]