

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 53 OF 2003

S.JAYARAM SHETTY

...APPELLANT(S)

VERSUS

NATIONAL INSURANCE CO. LTD.

...RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Karnataka at Bangalore in Miscellaneous First Appeal No.280 of 2002.

2. Having heard learned counsel for the parties to the lis and having perused record of the case, we find no infirmity in the impugned judgment and order passed by the High Court.

3. The civil appeal is, accordingly, dismissed.

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

.....J.
(A.K. SIKRI)

Signature Not Verified

Digitally signed by
NEETU KHAJURIA
Date: 2015.02.05
16:56:02 IST
Reason:

.....J.
(ARUN MISHRA)

NEW DELHI;
JANUARY 20 2015.

SLP(C)Nos.13982-13983/2005 & Connected matters

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3865 OF 2007

ORIENTAL INSURANCE CO. LTD.

...APPELLANT(S)

VERSUS

DEEPA KAPOOR & ORS.

...RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Delhi in MAC App. No.298 of 2004, dated 30.09.2004.

2. Heard learned counsel for the parties to the lis.

3. After going through impugned judgment(s) and order(s) passed by the High Court as well as the Trial Court and in the peculiar facts and circumstances of the case, we are not inclined to interfere with the impugned order.
SLP(C)Nos.13982-13983/2005 & Connected matters

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4. The civil appeal is dismissed. However, question of law is kept open to be agitated in an appropriate case.

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

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
JANUARY 20 2015.
SLP(C)Nos.13982-13983/2005 & Connected matters

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6283 OF 2008

M/S.ORIENTAL INSURANCE CO. LTD.

...APPELLANT(S)

VERSUS

SAVITRI KUMARI & ORS.

...RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Jharkhand at Ranchi in M.A. No.252 of 2006, dated 26.04.2007.

2. Heard learned counsel for the parties to the lis.

3. After going through the judgment(s) and order(s) passed by the High Court as well as the trial court and in view of the facts and circumstances of the case, we find no infirmity in SLP(C)Nos.13982-13983/2005 & Connected matters

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the impugned judgment and order passed by the High Court.

4. The civil appeal is dismissed, accordingly.

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

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
JANUARY 20 2015.
SLP(C)Nos.13982-13983/2005 & Connected matters

1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).1171-1176 OF 2015
(Arising out of SLP(C) NO(s).28775-28780 OF 2008)

SHEKHAPPA ETC. ETC.

...APPELLANT(S)

VERSUS

NATIONAL INSURANCE CO. LTD.
& ANR. ETC. ETC.

...RESPONDENT(S)

O R D E R

1. Leave granted.

2. These appeals are directed against the judgment and order passed by the High Court of Karnataka at Bangalore in M.F.A. Nos.914 and 918 of 2003, MFA Crob Nos.122 and 123 of 2003 and M.F.A. Nos.5354 and 5355 of 2005, dated 04.04.2008.

3. The appellants/claimants are the family members of the deceased, who met with an accident and succumbed to his injuries.

appellants/claimants the
SLP(C)Nos.13982-13983/2005 & Connected matters

On the claim made by the
Motor Accident Claims

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Tribunal, Saundatti (for short, "the Tribunal") has partly allowed the claim petition for compensation and seeking enhancement of compensation.

4. Aggrieved by the judgment and order so passed by the Tribunal the respondent(s)-insurance company and others has preferred miscellaneous first appeals before the High Court. The High Court after going into the evidence placed on record, allowed the appeal(s) preferred by the respondent(s) and set aside the order(s) passed by the Tribunal.

5. Aggrieved by the judgment and order passed by the High Court the appellant(s)/ claimant(s) are before us in these appeals.

6. Heard learned counsel for the parties to the

lis.

7. After going through the records and in view of the peculiar facts and circumstances of the case, SLP(C)Nos.13982-13983/2005 & Connected matters

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we are of the considered view the judgment(s) and orders(s) passed by the High Court cannot be sustained.

8. Accordingly, while allowing these appeals, we set aside the judgment(s) and order(s) passed by the High Court and restore the order(s) passed by the Tribunal.

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

.....J.
(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
JANUARY 20 2015.
SLP(C)Nos.13982-13983/2005 & Connected matters

1
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1177 OF 2015
(Arising out of SLP(C) No.22381 of 2010)

V. BOMMI AND OTHERS ...APPELLANT(S)

VERSUS

NEW INDIA ASSURANCE COMPANY LIMITED & ANR. ...RESPONDENT(S)

WITH

CIVIL APPEAL NO.1178 OF 2015
(Arising out of SLP(C) No.33759 of 2009)

NEW INDIA INSURANCE CO. LTD. ...APPELLANT(S)

VERSUS

V. BOMMI & ORS. ...RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order dated 12.06.2009 passed by the High Court of judicature at Madras in Civil Misc. Appeal No.1851 of 2004. SLP(C)Nos.13982-13983/2005 & Connected matters

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3. The appellants/claimants are the family members of the deceased, who met with an accident and succumbed to his injuries. On the claim made by the claimants, the Motor Accident Claims Tribunal, Chennai (for short, "the Tribunal") has awarded compensation of Rs.25,00,000/- along with interest @ 9% per annum.

4. Being aggrieved by the award so passed by the Tribunal, the respondent - Insurance Company preferred an appeal before the High Court. The High Court by its impugned judgment and order has partly allowed the appeal and reduced the amount of compensation from Rs.25,00,000/- to Rs.15,00,000/-.

5. Aggrieved by the judgment and order passed by the High Court the claimants/ appellants are before us in this appeal.

6. Heard learned counsel for the parties to the lis. SLP(C)Nos.13982-13983/2005 & Connected matters

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7. 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 opinion that the ends of justice would be met if compensation of Rs.20,00,000/- is awarded to the claimants along with interest @ 6% per annum from the date of the order passed by the High Court.

8. Accordingly, while allowing this appeal we modify the judgment and order passed by the High Court. The appellants/claimants are now entitled for an amount of Rs.20,00,000/- with an interest @ 6% per annum from the date of order passed by the High Court. The compensation so awarded by us is to be paid by Insurance Company after deducting the amount already paid, if any.

9. We clarify the compensation shall be paid to the claimants as expeditiously as possible within a period of four weeks from today.
SLP(C)Nos.13982-13983/2005 & Connected matters

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10. The civil appeal is disposed of accordingly.

C.A. No...of 2015 @ SLP(C) No.33759 of 2009

1. Leave granted.

2. Heard learned counsel for the parties to the lis.

3. In view of the order passed by us in Civil Appeal arising out of SLP(C) No.22381 of 2010, this civil appeal stands dismissed.

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

.....J.

(A.K. SIKRI)

.....J.
(ARUN MISHRA)

NEW DELHI;
JANUARY 20 2015.
SLP(C)Nos.13982-13983/2005 & Connected matters

1
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2743 OF 2010

NEW INDIA ASSURANCE CO. LTD. ..APPELLANT(S)

Versus

ARUNA & ORS. ..RESPONDENT(S)

O R D E R

1. This appeal arises out of judgment and order passed by the Punjab and Haryana at Chandigarh dated 5.10.2009 in FAO No.4796 of 2009. By the impugned order, the High Court has rejected the appeal only on the ground that the same is not maintainable before it because no permission was granted to the appellant under Section 170 of the Motor Vehicles Act, 1988.

2. In view of the decision of this Court in the case of United India Insurance Co. Ltd. v. Shila Datta & Ors., (2011) 10 SCC 509, now the appeal is maintainable in the High Court.
SLP(C)Nos.13982-13983/2005 & Connected matters

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3. In view of the judgment and order passed in the case of Shila Datta supra, we allow this appeal, set aside the impugned judgment and order passed by the High Court and remand the matter back to the High Court for early disposal of the appeal on merits in accordance with law.

SLP(C) No. 11743/2009
(With Prayer for interim relief and Office report)

SLP(C) No. 12778-12779/2009
(With Prayer for interim relief)

SLP(C) No. 21689-21690/2009
(With appln.(s) for c/delay in filing SLP and Prayer for interim relief)
(I.A. Nos.1-2- Applications for condonation of delay in filing SLPs)

SLP(C) No. 24221/2009
(With Office report)

SLP(C) No. 33759/2009
(With Prayer for interim relief)

C.A. No. 2743/2010
(With Office report)

SLP(C) No. 22381/2010
(With Office report)

SLP(C) No. 15166/2011
(With Prayer for interim relief and Office report)

Date: 20/01/2015 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ARUN MISHRA

For the parties :

Mr. Mahesh Takhur, Adv.
Mr. Deepak Shetty, Adv.

Mr. Manish Pratap Singh, Adv.
Dr. Nafis A. Siddiqui, Adv.

Mr. P.B. Suresh, Adv.
Mr. Vipin Nair, Adv.
Mr. Udayaditya banerjee, Adv.
For M/s. Temple Law Firm

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

SLP(C)Nos.13982-13983/2005 & Connected matters

Mr. Manjit Singh, Sr. Adv.
Ms. Vivekta Singh, Adv.
Mr. Akshay Vasishtha, Adv.
Mr. Satyendra Kumar, Adv.

Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

Mr. M.R. Calla, Sr. Adv.
Mr. Uday Gupta, Adv.
Ms. Shivani M. Lal, Adv.
Ms. Pratiksha Sharma, Adv.
Mr. Ankit Acharya, Adv.
Mr. Mohan Pandey, Adv.

Mr. A.K. Raina, Adv.
For Dr. Kailash Chand, Adv.

Mr. Anuj Bhandari, Adv.
Mr. Sarad Kumar Singhania, Adv.

Mr. Awadhesh Kr. Singh, Adv.
Mr. Bhanwarpal Singh Jadon, Adv.
Mr. Kamendra Pratap Singh, Adv.
Mr. R.D. Upadhyay, Adv.

Mr. M.K. Tripathi, Adv.
Ms. Mona K. Rajvanshi, Adv.

Mr. Vishnu Mehra, Adv.
Ms. Sakshi Mittal, Adv.
Ms. Manjeet Chawla, Adv.

Mr. Parmanand Gaur, Adv.
Mr. Dipak K. Nag, Adv.
Ms. Vijay Lakshmi, Adv.

Ms. Nidhi, Adv.

Mr. Pramod Dayal, Adv.
Mr. Nikunj Dayal, Adv.

Mr. H.Chandra Sekhar, Adv.
Ms. Soumi Kundu, Adv.

SLP(C)Nos.13982-13983/2005 & Connected matters

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Ms. Sushma Verma, Adv.
Mr. Siddhartha Yadav, Adv.
Mr. Praveen Swarup, Adv.

Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. K.K. Janjani, Adv.

Mr. M.J. Paul, Adv.
Mr. Santosh Paul, Adv.
Ms. Savita Singh, Adv.
Mr. Debopriyo Pal, Adv.
Mr. Arvind Gupta, Adv.

Dr. Sushil Balwada, Adv.

M/s Law Associates & Co.

Mr. P. N. Puri, Adv.

Mr. Debasis Misra, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

Mr. Arup Banerjee, Adv.

Mr. Nikilesh Ramachandran, Adv.

Mr. Gunnam Venkateswara Rao, Adv.

Mr. Ugra Shankar Prasad, Adv.

Mr. S. Chandra Sekhar, Adv.

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

SLP(C)No.4462/2009

List this special leave petition after two weeks.

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SLP(C)Nos.13982-13983/2005 & Connected matters

SLP(C)Nos.13982-13983/2005, 4094/2007, 28407/2008,
11743/2009, 12778-12779/2009, 21689-21690/2009,
24221/2009 and 15166/2011

Delay, in filing the special leave petition(s),
if any, is condoned.
Dismissed.

C.A. No.53/2003

Dismissed in terms of the signed order.

C.A. No.6283/2008

Dismissed in terms of the signed order.

SLP(C)No.19394/2005 and SLP(C)No. 20591/2005

Heard learned counsel for the parties. We are
not inclined to interfere with the orders impugned.
However, Insurance Company is restrained from
recovering the amount from the owner of the vehicle.
Special leave petitions stand disposed of.

Civil Appeal No.3865/2007

Dismissed in terms of the signed order.
However, question of law is kept open to be
agitated in an appropriate case.

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SLP(C)Nos.13982-13983/2005 & Connected matters

C.A. No....2015 @ SLP (C) Nos.28775-28780/2008

Order passed by the High Court is set aside and order passed by the Tribunal is restored in terms of the signed order.

C.A. No. 2743/2010

The appeal is allowed in terms of the signed order.

C.A.No.../2015 @ SLP(C)No.22381/2010

C.A.No.../2015 @ SLP(C) No.33759 of 2009

The appeals are disposed of in terms of the signed order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Six signed orders are placed on the file.)