

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2191 OF 2009

KAVITA CHABRA AND ANR.

..APPELLANT(S)

VERSUS

UNITED INDIA INSURANCE CO. LTD.
AND ANR.

..RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Himachal Pradesh at Shimla in F.A.O.No.44 of 1997, dated 09.05.2005, whereby and whereunder the High Court has allowed the appeal filed by the respondent-Insurance Company and set aside the award passed by the Motor Accident Claims Tribunal, Shimla (for short 'the Tribunal').

2. 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 appellants/claimants, the Tribunal had awarded a compensation of Rs.5,19,500/- fastening the liability on the respondent-Insurance Company.

3. Being aggrieved by the compensation so awarded by the Tribunal, the insurance company preferred appeal before the High Court. The High Court, by its impugned judgment and order, has allowed the appeal filed by the respondent-Insurance Company and set aside the award passed by the Tribunal. Aggrieved by the judgment and order passed by the High Court, the appellants-claimants are before us, in this appeal.

4. Heard learned counsel for the parties to the *lis*.

5. After going through the judgments and orders 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 compensation awarded by the Tribunal be restored and the impugned judgment and order passed by the High Court be set aside.

6. Accordingly, while allowing this appeal, we set aside the judgment and order passed by the High Court and restore the award passed by the Tribunal.

7. We clarify that the compensation shall be paid by the respondent-Insurance Company, as expeditiously as

possible at any rate within a period of six weeks from today.

8. It is also clarified that this order shall not be treated as a precedent in any other case.

Ordered accordingly.

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

.....J.
(ARUN MISHRA)

NEW DELHI,
OCTOBER 07, 2015.

ITEM NO.34

COURT NO.1

SECTION XIV

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

Civil Appeal No(s). 2191/2009

KAVITA CHABRA & ANR.

Appellant(s)

VERSUS

UNITED INDIA INSURANCE CO. LTD. & ANR.

Respondent(s)

(with office report)

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

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRAFor Appellant(s) Mr.Ravi Bakshi, Adv
Mr. Yash Pal Dhingra,Adv.For Respondent(s) Mr.P.R.Sikka, Adv.
Mr.Amet Sikka, Adv
Mr. Rakesh K. Sharma,Adv.UPON hearing the counsel the Court made the following
O R D E RThe Civil Appeal is allowed, in terms of the signed
order.

Pending application(s), if any, is/are disposed of.

(G.V.Ramana)
AR-cum-PS
(Signed order is placed on the file)(Vinod Kulvi)
Asstt.Registrar