

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 7805 OF 2002

NATIONAL INSURANCE CO. LTD.

Appellant (s)

VERSUS

BHUKYA TARA & ORS.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 7804 of 2002
(With prayer for interim relief and office report)
Civil Appeal NO. 8332 of 2002
(With prayer for interim relief and office report)

Date: 08/05/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA
HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s) Ms. Neha Gaur, Adv.
Mr. Parmanand Gaur, Adv.

Mr. Joy Basu, Adv.
Mr. Anubhav Singhvi, Adv.
Mr. B.K.Satija, Adv.

For Respondent(s) Mr. P. Venket Reddy, Adv.
Mr. Anil Kumar Tandale, Adv.

Mrs.K. Sarada Devi, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeals are allowed in terms of the signed order.

(Ravi P. Verma) (Anand Singh)
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7805 OF 2002

NATIONAL INSURANCE COMPANYAPPELLANT(S)
LTD.

Versus

BHUKYA TARA & ORS.RESPONDENT(S)

WITH C.A.NO.7804 OF 2002 & C.A. NO.8332 OF 2002

ORDER

These appeals have been filed by the insurance company against the award passed by the tribunal and affirmed by the High Court. It is not disputed that the deceased was travelling in a goods vehicle. Therefore, the cases in hand are squarely covered by the decision of three-Judge Bench of this Court rendered in New India Assurance Co. Ltd. Vs Asha Rani & Ors., (2003) 2 SCC 223.

The appeals are allowed. The orders of the tribunal and of the High Court are set aside. However, if any compensation has actually been paid to the respondent as of today, the same shall not be recovered. We further clarify that if any amount deposited before the tribunal is still not paid to the claimant, the same shall be refunded to the appellants.

.....J.
(H.K. SEMA)

New Delhi;J.
May 08, 2008. (MARKANDEY KATJU)