

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

CIVIL APPEAL NO(s). 1383 OF 2011

NATIONAL INSURANCE CO.LTD.

Appellant (s)

VERSUS

B.KISTAIAH & ORS.
(With office report)

Respondent(s)

Date: 16/04/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s)

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

For Respondent(s)
R.No. 3-5

Mr. C.Murali Krishna,Adv.
Mr. C. Balakrishna,Adv.

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

Heard learned counsel for the parties and
perused the relevant material.
The appeal is allowed in terms of the signed
order.

[Madhu Bala] [Savita Sainani]
Court Master Assistant Registrar
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1383 OF 2011

NATIONAL INSURANCE COMPANY LTD.

...APPELLANT(S)

VERSUS

B. KISTAIAH & ORS.

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties and
perused the relevant material.
The National Insurance Company is the appellant
before us.

On 18.09.2009, after recording the statement of the counsel appearing on behalf of the appellant-National Insurance Company that they are interested only in the recovery of the claim amount from the owner of the vehicle and also satisfied the claim awarded, this Court issued notice to the owner alone.

The second respondent viz. Smt. P.Nagajyothi is the owner of the vehicle.

It is brought to our notice that during the proceedings before the Tribunal, the driver as well as the owner of the vehicle did not contest the claim. Even before the High Court, none appeared on behalf of the owner as well as driver of the vehicle. In this Court also none appears for the owner.

Learned counsel appearing on behalf of the appellant-National Insurance Company has brought to our notice that there was no valid insurance policy on the date of accident. According to him the policy amount sent by the

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owner by way of cheque was got bounced for insufficiency of funds. In the absence of any denial or contra material, we are of the view that the Insurance Company is justified in praying for recovery of the claim amount from the owner of the vehicle viz. second respondent (herein). Accordingly, we permit the Insurance Company to recover the entire amount from the owner of the vehicle.

The appeal is allowed on the above terms.

.....CJI.
[P. SATHASIVAM]

.....J.
[RANJAN GOGOI]

NEW DELHI
16th APRIL, 2014

.....J.
[N.V. RAMANA]