

THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 153 OF 2012

THE GENERAL/DISTRICT MANAGER BSNL ..APPELLANT(S)

VERSUS

THE NEW INDIA ASSURANCE CO. LTD.
AND ORS.

..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 M.F.A.No.12918/2006 (MV), dated 04.02.2010, whereby and whereunder the High Court, while partly allowing the appeal filed by the respondent insurance company has directed that the insurance company to recover the 50% of the amount deposited by it before the Motor Accident Claims Tribunal (for short 'the Tribunal') from appellant herein.

2. We have heard learned counsel for the parties to the *lis*.

3. 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 considered opinion that the direction of the High Court that 50% of the amount

deposited by the insurance company, which was subsequently withdrawn by the claimants, can be recovered from the appellant-herein needs to be modified.

4. Accordingly, while partly allowing the appeal filed by the appellant-herein, we modify the order passed by the High Court. Now the insurance company shall pay the amount of compensation, in view of the policy being a comprehensive policy.

Ordered accordingly.

.....CJI.
(H.L. DATTA)

.....J.
(ARUN MISHRA)

NEW DELHI,
OCTOBER 14, 2015.

ITEM NO.45

COURT NO.1

SECTION IVA

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). 153/2012

GENERAL/DIST.MGR.TELECOM BSNL

Appellant(s)

VERSUS

NEW INDIA ASSURANCE CO.LTD.& ORS.

Respondent(s)

Date : 14/10/2015 This appeal was called on for hearing today.

CORAM :

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

For Appellant(s) Ms. K. V. Bharathi Upadhyaya, Adv.

For Respondent(s) Mr.S.J.Amith, Adv.
Mr.Ashok Bannidinni, Adv.
Dr. (mrs.) Vipin Gupta, Adv.Mr.Abhishek Gola, Adv.
Mr. Viresh B. Saharya, Adv.
Mr.Akshat Agarwal, AdvUPON hearing the counsel the Court made the following
O R D E RThe appeal is partly 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