

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8750 OF 2012

JAGADEESAN . . . APPELLANT(S)

VERSUS

UNITED INDIA INSURANCE
CO. LTD. & ANR. . . RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Judicature at Madras in CMA No.3179 of 2004, dated 23.09.2010.

2. The appellant/claimant met with an accident and received grievous injuries. On the claim made by the appellant/claimant, the Motor Accident Claims Tribunal, Krishnagiri (for short, "the Tribunal") had awarded a compensation of Rs.7,32,000/- along with interest at the rate of 9% per annum, to be

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NEETU KHAJURIA
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paid by the Insurance Company and the owner of the vehicle jointly or severally. The Tribunal also directed that the amount be deposited in the name of Principal District and Sessions Court and be kept in a nationalized bank for three years fixed deposit and also gave liberty to the appellant/claimant to withdraw the interest of the said amount for every three months.

3. Aggrieved by the judgment and order passed

by the Tribunal the respondent-Insurance Company has preferred appeal before the High Court.

4. The High Court in its impugned judgment and order set aside the liability of the Insurance Company and held that the owner of the vehicle was liable to pay compensation to the appellant/claimant. The High Court also permitted the Insurance Company to withdraw compensation

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deposited and to proceed against the owner of the vehicle for recovery of amount already withdrawn by the appellant/claimant.

5. Aggrieved by the judgment and order passed by the High Court the appellant/claimant is before us in this appeal.

6. Heard learned counsel appearing for the parties to the lis.

7. After carefully going through the impugned judgment and order passed by the High Court as well as the other material available on record and in view of the facts and circumstances of the case, we direct the Insurance Company to first pay the entire amount as awarded by the Tribunal and thereafter, recover the same from the owner of the vehicle, as per law.

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8. The Civil Appeal is disposed of, accordingly.

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

.....J.
(ARUN MISHRA)

NEW DELHI,
OCTOBER 07, 2015

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ITEM NO.56

COURT NO.1

SECTION XII

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Civil Appeal No(s). 8750/2012

JAGADEESAN

Appellant(s)

VERSUS

UNITED INDIA INS.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 MISHRA

For Appellant(s) Mr. Nikhil Swami, Adv.
Mrs. Prabha Swami, Adv.

For Respondent(s) Mr. Ravi Bakshi, Adv.
Mr. Chander Shekhar Ashri, Adv.

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

The appeal is disposed of in terms of
the signed order.

In view of the above, pending
application(s), if any, stand disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)