

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). 7073 OF 2008

NATIONAL INSURANCE CO.LTD.

Appellant (s)

VERSUS

PADMA RAMANATHAN

Respondent(s)

(With appln(s) for condonation of delay in filing appeal.,c/delay in re-filing appeal,permission to file additional documents and office report)

WITH SLP(C) NO. 572 of 2009

(With appln. For deletion of the name of respondent and office report)

Date: 10/02/2011 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Mr.Joy Basu,Adv.
Mr. Maibam N. Singh, Adv.
Mr. Madhurendra Kumar, Adv.
Ms.Meenakshi Midha,Adv.
Mr. B.K.Satija,Adv.

For Respondent(s) Mr.Amit Sibal,Adv.
Ms.Megha Mukerjee,Adv.
Mr. Achintya Dvivedi, Adv.
Mr. Suman Jyoti Khaitan,Adv.

Mr.Hemant Sharma,Adv.

Ms.Biju Mattam,Adv.

Mr. Ajay Kumar, Adv.

Mr.Praveen Agrawal,Adv.

UPON hearing counsel the Court made the following

O R D E R

CIVIL APPEAL NO. 7073 OF 2008

Delay condoned.

Appeal is dismissed in terms of the signed order.

CIVIL APPEAL NO. OF 2011
(Arising out of SLP(C) NO. 572 of 2009)

There is an application for deletion of the names of the respondent Nos. 2 to 4. For the reasons stated in the application, application is allowed. The names of the respondent Nos. 2 to 4 stand deleted as the main contesting respondent is the respondent No. 1 in the present case.

Leave granted.

The appeal stands dismissed in terms of the signed order.

SR.P.A. COURT MASTER
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7073 OF 2008

NATIONAL INSURANCE CO.LTD.

Appellant (s)

VERSUS

PADMA RAMANATHAN

Respondent(s)

WITH
CIVIL APPEAL NO. 1643 OF 2011
(Arising out of SLP(C) NO. 572 of 2009)

O R D E R

CIVIL APPEAL NO. 7073 OF 2008

This is an application filed by the appellant praying for condonation of delay in filing this appeal. For the reasons stated in the application, we are satisfied that sufficient cause has been made out and therefore, delay is condoned. Application seeking condonation is allowed.

Having regard to the peculiar facts and circumstances of the case and having heard the learned counsel appearing for the parties, we are not inclined to interfere with the impugned judgment and order passed by the National Consumer Disputes Redressal Commission (in short the 'National Commission'). An amount of Rs. Ten lakhs out of the total amount of Rs. Twenty five lakhs awarded by the National Commission is lying deposited in the National Commission. The said amount shall now be released in favour of the respondent alongwith interest accrued on the said amount alongwith the cost imposed by the National Commission. The balance amount, if any, which is due and payable by the appellant pursuant to the order passed today shall be paid to the respondent alongwith interest in terms of the order of the National Commission within a period of eight weeks from today.

The appeal stand dismissed but the question of law is kept open to be decided in an appropriate case.

Civil Appeal No. Of 2011
(Arising out of SLP(C) NO. 572 of 2009)

There is an application for deletion of the names of the respondent Nos. 2 to 4. For the reasons stated in the application, application is allowed. The names of the respondent Nos. 2 to 4 stand deleted as the main contesting respondent is the respondent No. 1 in the present case.

Leave granted.

Having regard to the peculiar facts and circumstances of the case and having heard the learned counsel appearing for the parties, we are not inclined to interfere with the impugned judgment and order passed by the National Consumer Disputes Redressal Commission (in short the 'National Commission') but the question of law is kept open to be decided in an appropriate case. Rs.10,000/- was imposed as cost on the respondents Nos. 2-4 which we are stated has since been deposited with the National Commission by the respondent Nos. 2 to 4. If the amount is so deposited with the National Commission, the same shall now be paid to the respondent No.1 alongwith interest accrued thereon. The respondent No.1 would now be entitled to receive the entire awarded amount also. If any amount out of the awarded amount was deposited with the National Commission, the same shall now be paid to the respondent not with interest accrued thereon. The balance of the amount awarded, if any, shall be paid by the appellants to the respondent No.1 within eight weeks alongwith interest in terms of the order of the National Commission.

By this order the appeal stands dismissed leaving the parties to bear their own cost in this appeal.

.....J
(Dr. MUKUNDAKAM SHARMA)

.....J
(ANIL R. DAVE)

NEW DELHI,
FEBRUARY 10, 2011