

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10970 OF 2013
(Arising out of S.L.P. (C) No. 29111 of 2011)

M/S SPENCERS & CO. LTD.

...APPELLANT

VERSUS

M/S ORIENTAL INSURANCE
COMPANY LTD. & ORS.

...RESPONDENTS

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Judicature at Madras in C.M.A. No. 724 of 2003, dated 30.03.2010.

3. The deceased was an employee in the appellant-company. On 13.04.1989 while travelling in the car belonging to the appellant-company, he met with an accident and succumbed to his injuries. The car was insured from the respondent-insurance company. On the claim made by the family members of the deceased, the Motor Accidents Claims Tribunal, Chengalpattu, (for short, 'the Tribunal') had awarded a total compensation of Rs.2,69,720/- with interest at the rate of 9 per cent per annum with cost and directed the insurance company to pay the compensation.

4. Being aggrieved by the same, the respondent-insurance company had preferred an appeal before the High Court. By the impugned judgment and order, the High Court while exonerating the respondent-insurance company from its liability has directed the appellant-company to pay the compensation. Aggrieved by the judgment and order passed by the High Court, the appellant-company is before us in this civil appeal.

5. Heard learned counsel for the parties to the lis.

6. After carefully going through the judgment(s) and order(s) passed by the Tribunal as well as by the High Court and in view of the peculiar facts and circumstances of the case, we are of the opinion that the amount of compensation awarded by the Tribunal be equally shared by the appellant-company and the insurance company.

7. Accordingly, while disposing of this appeal, we modify the judgment(s) and order(s) passed by the Courts below. The compensation awarded by the Tribunal is now be equally shared by the respondent-insurance company and the appellant-company. However, question of law raised is kept open.

Ordered accordingly.

.....J.
(H.L. DATTU)

.....J.
(MADAN B. LOKUR)

NEW DELHI;
DECEMBER 10, 2013
ITEM NO.13

COURT NO.4

SECTION XII

Petition(s) for Special Leave to Appeal (Civil) No(s).29111/2011
(From the judgement and order dated 30/03/2010 in CMA No.724/2003 of the
HIGH COURT OF JUDICATURE AT MADRAS)

M/S SPENCERS & CO.LTD. Petitioner(s)

VERSUS

M/S ORIENTAL INS.CO.LTD.& ORS. Respondent(s)
(With prayer for interim relief and office report)

Date: 10/12/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Abhay Kumar, Adv.

For Respondent(s) Mr. Vipin Nair, Adv.
Mr. Udayaditya Banerjee, Adv.
for M/S. Temple Law Firm, Adv.

Mr. S.L. Gupta, Adv.
Mr. Vikash Chandra, Adv.
Mr. D.P. Singh Yadav, Adv.
Mr. S.S. Gupta, Adv.
Mr. N.N. Bain, Adv.
Mr. Inder Mohan Singh, Adv.
Mr. Rajeev Kumar Deora, Adv.
Mr. Naresh Kumar Sharma, Adv.
Mr. S.M. Sarkar, Adv.
Mr. Samrendra Dutta, Adv.
Mr. Ram Ashray, Adv.
For Mr. Varinder Kumar Sharma, Adv

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

Leave granted.

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

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar