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REVISED

ITEM NO.4 COURT NO.12 SECTION IVA

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

Petition(s) for Special Leave to Appeal (Civil) No(s).12828/2009

(From the judgement and order dated 22/04/2008 in MA No.1035/2007 of The HIGH COURT OF M.P AT INDORE)

SHANTIDEVI & ORS. Petitioner(s)

VERSUS

NATIONAL INSURANCE CO.LTD.& ANR. Respondent(s)

(With prayer for interim relief and office report)

Date: 06/09/2013 This Petition was called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. Niraj Sharma,Adv.

For Respondent(s) Mr. Ramesh Chandra Mishra, Adv.
For Dr. Meera Agarwal,Adv.

UPON hearing counsel the Court made the following

O R D E R

We see no reason to interfere with the impugned judgment and order of the High Court as the petitioners had raised their claim before the expiry of seven years of the alleged death/disappearance of the victim.

The special leave petition is dismissed.

However, considering the fact that the petitioners have been paid a meagre amount of Rs.1,84,170/- in view of the fact that the victim was inferred to have died, we in the interest of equity, deem it appropriate to direct the Insurance Company not to recover the amount from the petitioners-claimants of the victim as in any case 7 years have now lapsed from the date of disappearance of the victim.

|(Neetu Khajuria) |(S.S.R. Krishna)
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|Sr.P.A. |Court Master |