

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5755 OF 2009

CHANDRASHEKARAIHAH ETC. ETC. . .APPELLANT(S)

VERSUS

M/S. NEW INDIA ASSURANCE
COMPANY LIMITED & ANR. ETC. . .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. Nos.7583, 7584, 7586, 7588, 7589 and 7591 of 2003, dated 29.06.2005.

2. On the claim petitions being M.V.C. Nos.4085, 4086, 4087, 4088, 4089 and 4090 of 2001 filed by the claimants pertaining to an accident resulting to injuries sustained by them and death of one inmates, the Motor Accidents Claim Tribunal, Bangalore (for short, "the Tribunal") vide award dated 29.08.2003 has allowed the petitions and granted compensation in each case with interest at the rate of 8 per cent with a direction that the compensation be paid by the Insurance Company.

3. Aggrieved by the judgment and order passed by the Tribunal the respondent-Insurance Company has preferred appeals before the High Court.

4. The High Court in its impugned common judgments and orders has allowed the appeals and set aside the award made against the Insurance Company with a direction that the compensation awarded shall be payable by the owner of the vehicle and not by the Insurance Company.

5. Aggrieved by the judgment and order passed by the High Court the appellant/owner 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 are of the opinion that the High Court was not justified in

setting aside the award passed by the Tribunal as against the claimants.

8. Accordingly, we set aside the order passed by the High Court and restore the order passed by the Tribunal with the direction to the Insurance Company to satisfy the award passed by the Tribunal and recover the same from the owner of the vehicle, as per law.

9. The Civil Appeal is disposed of, accordingly.

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

.....J.
(ARUN MISHRA)

NEW DELHI,
SEPTEMBER 29, 2015.

ITEM NO.33

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). 5755/2009

CHANDRASHEKARAIHAH ETC ETC

Appellant(s)

VERSUS

M/S. NEW INDIA ASSURANCE CO LTD & ANR ETC

Respondent(s)

Date : 29/09/2015 This appeal was called on for hearing today.

CORAM :

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

For Appellant(s) Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.

For Respondent(s) Mr. Ramesh Kumar, Adv.
Mr. Ajay Kumar Yadav, Adv.
Ms. Sharmila Upadhyay, 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.

Pending application(s), if any, stand
disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)