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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10274 OF 2013
(@ SPECIAL LEAVE PETITION (C) NO.19701 OF 2009)

RESHMI G.SUBRAMANIAN & ORS. ...APPELLANTS

VERSUS

THE NEW INDIA ASSURANCE
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 Kerala at Ernakulam in MACA No. 1923 of 2005 (D), dated 13.11.2008.

3. On the claim made by the appellants/claimants the Motor Accidents Claims Tribunal (for short 'the Tribunal') had awarded a total compensation of Rs.18,37,500/- with interest at the rate of 6 per cent per annum from the date of the petition till its realization.

4. Being aggrieved by the compensation so awarded by the Tribunal, the respondent-insurance company had preferred an appeal before the High Court. By the impugned judgment and order, the High Court has allowed the appeal filed by the respondent-Insurance company and reduced the compensation awarded by the Tribunal from Rs.18,37,500/- to Rs.14,40,000/-. Aggrieved by the judgment and order passed by the High Court, the appellants/claimants are 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 restored.

7. Accordingly, while allowing this appeal we set aside the judgment and order passed by the High Court and restore the order passed by the Tribunal.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 12, 2013

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10273 OF 2013
(@ SPECIAL LEAVE PETITION(C)NO.10164 of 2006)

NATIONAL INSURANCE CO.LTD. ... APPELLANT(S)

VERSUS

MEERA SHARMA & ORS. ... RESPONDENT(S)

O R D E R

1. Leave granted.

2. Against the judgment and order passed by the High Court of Judicature at Allahabad in First Appeal from Order No.236 of 2007, dated 07.02.2006, the insurance company is before this Court, by way of this Special Leave Petition.

3. In view of the judgment rendered by a three Judge Bench of this Court in National Insurance Co.Ltd., Chandigarh vs. Nicolletta Rohtagi & Ors., reported in (2002) 7 SCC 456, this matter requires to be remanded to the High Court for its adjudication and decision.

4. Accordingly, we dispose of this appeal and remand the matter back to the High Court for its adjudication and decision.
Ordered accordingly.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 12, 2013

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10422 OF 2013
(@ SPECIAL LEAVE PETITION(C)NO.2022 of 2008)

THE ORIENTAL INSURANCE
COMPANY LTD. ... APPELLANT(S)

VERSUS

DINESH KUMAR SHARMA & ANR. ... RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against the interim order passed by the High Court of Judicature at Allahabad in First Appeal from Order No.2101 of 2007, dated 13.08.2007.

3. This Court on 18.01.2008, while entertaining the petition has passed the following interim order:

"Delay condoned.

Issue notice returnable in four weeks limited to the question as to why for the purpose of withdrawal of 50% of the deposited amount, the claimants-respondents shall not furnish any security.

Dasti service, in addition, is permitted.

In the meantime, the High Court may permit the respondent to withdraw the amount on furnishing security, if he so intends."

4. Learned counsel for the appellant submits that the appeal filed by the appellant insurance company is still pending before the High Court for its adjudication and decision. In that view of the matter, we dispose of this appeal with a request to the High Court to dispose of the First Appeal said to have been filed by the insurance company on merits as expeditiously as possible, at any rate within six months' time from the date of receipt of a copy of this Court's order.

5. The interim order granted by this Court will enure to the benefit of the appellant till the disposal of the appeal pending before the High Court.

6. All the contentions of the parties are left open.

Ordered accordingly.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 12, 2013

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10423 OF 2013
(@ SPECIAL LEAVE PETITION(C)NO.121 of 2009)

ICICI LOMBARD GENERAL
INSURANCE CO. LTD.

..APPELLANT(S)

VERSUS

MOBINA BEGAUM & ORS.

...RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal is directed against an interim order passed by the High Court of Judicature at Allahabad in First Appeal from Order No.3102 of 2008, dated 21.10.2008. By the impugned interim order, the High Court had directed the appellant-insurance company to deposit the entire amount as awarded by the Motor Accidents Claims Tribunal, Kanpur City (for short 'the Tribunal').

3. Being aggrieved by the said interim order, the appellant is before this Court, by way of this Special Leave Petition.

4. This Court on 16.01.2009, while issuing notice to the respondents had passed an interim order. The said interim order reads as under:

"Issue notice.

In the event the amount, as directed by the High Court, is deposited, the respondent-claimants shall be at liberty to withdraw 50% of the amount without furnishing any security and the balance amount of 50% on furnishing sufficient security to the satisfaction of the Motor Accident Claims Tribunal.

Subject to the aforementioned condition, the operation of the impugned judgment shall remain stayed."

5. Admittedly, the appeal filed by the appellant insurance company is still pending before the High Court for its adjudication and decision. In that view of the matter, while continuing the interim order granted by this Court, we dispose of the appeal with a request to the High Court to dispose of the First Appeal pending before it on merits as expeditiously as possible, at any rate within six months' time from the date of receipt of a copy of this Court's order.

6. The interim order granted by this Court will enure to the benefit of the appellant till the disposal of the appeal pending before the High Court.

7. All the contentions of the parties are left open.

Ordered accordingly.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 12, 2013

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10424 OF 2013
(@ SPECIAL LEAVE PETITION (C) NO.18540 of 2006)

NATIONAL INSURANCE CO. ... APPELLANT(S)

VERSUS

PRAKASH & ORS. ... RESPONDENT(S)

O R D E R

1. Leave granted.

2. Learned counsel appearing for the respondents brings to our notice the Award passed by the Lok Adalat dated 16.01.2010. The Award so passed, reads as under:

"We have heard the learned counsel for the parties.

In pursuance to the order of the High Court, the National Insurance Company Ltd. has already deposited the entire amount with interest as ordered by the High Court. During the course of hearing of this case, the parties have settled the matter. The respondent would be entitled only to the principal amount which has been awarded by the High Court. The interest amount deposited by the petitioner and the accrued interest on the

principal amount (deposited by the National Insurance Company Ltd.) would be refunded to the National Insurance Company Ltd. within one month from the date of communication of the order....."

3. In view of the Award passed by the Lok Adalat, in our opinion nothing survives in this petition for our consideration and decision. Therefore, placing on record the Award passed by the Lok Adalat, we dispose of this appeal in terms of the Award passed by the Lok Adalat.

4. The civil appeal is disposed of accordingly.

Ordered accordingly.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 12, 2013

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6026-6027 OF 2007

UNITED INDIA INSURANCE CO. LTD. ... APPELLANT(S)

VERSUS

SHILA DATTA & ORS. ... RESPONDENT(S)

O R D E R

1. Having heard learned counsel for the parties to the lis and gone through the records of the case, we are of the considered opinion that the appeals, being devoid of any merit, deserves to be dismissed and are dismissed accordingly.

Ordered accordingly.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 12, 2013

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4917 OF 2008

THE ORIENTAL INSURANCE CO. LTD. ... APPELLANT(S)

VERSUS

HUKMA & ORS.

... RESPONDENT(S)

O R D E R

1. Having heard learned counsel for the parties to the lis and gone through the records of the case, we are of the considered opinion that the appeal, being devoid of any merit, deserves to be dismissed and is dismissed accordingly.

Ordered accordingly.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 12, 2013

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6717 OF 2004

THE ORIENTAL INSURANCE CO. LTD.

... APPELLANT(S)

VERSUS

GANESH RAI & ORS.

... RESPONDENT(S)

O R D E R

1. Taking into consideration the smallness of the amount involved in this appeal, we decline to entertain the Civil Appeal. Accordingly, the Civil Appeal is rejected. However, the question of law raised is kept open to be agitated in an appropriate case.

Ordered accordingly.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 12, 2013

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7861 OF 2011

NEW INDIA ASSURANCE CO. LTD.

... APPELLANT(S)

VERSUS

RAAVI NEERAJA @ RAJANI & ORS.

... RESPONDENT(S)

WITH C.A.NO.7862 OF 2011

AND WITH C.A.NO.7863 OF 2011

O R D E R

1. Having heard learned counsel for the parties to the lis and gone through the records of the case, we are of the considered opinion that the appeals, being devoid of any merit, deserves to be dismissed and are dismissed accordingly.

Ordered accordingly.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;
NOVEMBER 12, 2013

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.673 OF 2010

NEW INDIA ASSURANCE CO. LTD.

... APPELLANT(S)

VERSUS

RENU & ORS.

... RESPONDENT(S)

O R D E R

1. Taking into consideration the smallness of the amount involved in this appeal, we decline to entertain the Civil Appeal. Accordingly, the Civil Appeal is rejected. However, the question of law raised is kept open to be agitated in an appropriate case.

Ordered accordingly.

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

.....J.
(RANJANA PRAKASH DESAI)

NEW DELHI;

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

CIVIL APPEAL NOS.6026-6027 OF 2007

UNITED INDIA INSURANCE CO.LTD.

Petitioner(s)

VERSUS

SHILA DATTA & ORS.

Respondent(s)

(With office report)

WITH SLP(C) NO. 10164 of 2006

(With appln.(s) for discharge of advocate on record and with prayer for interim relief and office report)

SLP(C) NO. 121 of 2009

(With prayer for interim relief and office report)

SLP(C) NO. 13916 of 2008

(With office report)

SLP(C) NO. 14444 of 2011

(With office report)

SLP(C) NO. 16018 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 16066 of 2008

(With appln.(s) for substituted service and with prayer for interim relief and office report)

SLP(C) NO. 18540 of 2006

(With office report)

Civil Appeal NO. 1891 of 2008

(With prayer for interim relief)

SLP(C) NO. 19472 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 19701 of 2009

SLP(C) NO. 2022 of 2008

(With prayer for interim relief and office report)

SLP(C) NO. 21430-21431 of 2009

(With office report)

: 2 :

SLP(C) NO. 21888-21889 of 2008

SLP(C) NO. 26470 of 2008

(With prayer for interim relief and office report)

Civil Appeal NO. 4917 of 2008

(With appln.(s) for exemption from filing O.T. and with prayer for interim relief and office report)

Civil Appeal NO. 6717 of 2004

Civil Appeal NO. 673 of 2010
(With office report)

SLP(C) NO. 7108 of 2008
(With office report)

Civil Appeal NO. 7861 of 2011
Civil Appeal NO. 7862 of 2011
Civil Appeal NO. 7863 of 2011

Date: 12/11/2013 These Appeals/petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Appellant(s) M/S. Law Associates, Advs.

Mr. Sudhir Kumar Gupta, Adv.
Mr. Rajvinder Singh, Adv.
Mr. Abhinav Gupta, Adv.
Mr. Manish Gupta, Adv.

Mr. A.K. Raina, Adv.
For Mr. Anil Kumar Jha, Adv.

Ms. Neerja Sachdeva, Adv.
Ms. Manjeet Chawla, Adv.

Mr. A.K. Raina, Adv.
For Dr. Kailash Chand, Adv.

Mr. Avijit Bhattacharjee, Adv. (NP)

Mr. Kishore Rawat, Adv.
Mr. M.K. Dua, Adv.

: 3 :

Dr. Meera Agarwal, Adv.
Mr. Ramesh Chandra Mishra, Adv.

Mr. Manish Pratap Singh, Adv.
Mr. Ajay Singh, Adv.
For Dr. Nafis A. Siddiqui, Adv.

Mr. K.L. Nandwani, Adv.
Mr. Sameer Nandwani, Adv.
For Mr. Debasis Misra, Adv.

Mr. K.L. Nandwani, Adv.
Mr. Sameer Nandwani, Adv.
For Mr. Shakeel Ahmed Syed, Adv.

Mr. K. Rajeev, Adv.

Mr. P.K. Seth, Adv.
Ms. Manjeet Chawla, Adv.
Ms. Sunanda Roy, Adv.

Ms. Sakshi Mittal, Adv.
Ms. Manjeet Chawla, Adv.

Mr. A.K. De, Adv.
Mr. Rajesh Dwivedi, Adv.
For Mr. Debasis Misra, Adv.

For Respondent(s) Mr.Kishore Rawat, Adv
Mr. M.K. Dua,Adv.

Mr. Subhro Sanyal ,Adv
Mr.Kaamaljit Singh Bhatia, Adv

Ms.priya Kashyap, Adv.
Mr.Anilendra Pandey, Adv.
Mr.Satnaam Singh, Adv.
Mr.N.N.Jha, Adv.
for Dr. Kailash Chand, Adv.

Mr.G.V.R.Choudary, Adv.
Mr.A.Chandra Sekhar, Adv.
For Mr. K. Shivraj Choudhuri, Adv.

Dr. Meera Agarwal, Adv
Mr.Ramesh Chandra Mishra, Adv.

Mr. P.K. Jain, Adv.

Ms. Garima Prashad, Adv.
Mr.Rajesh Kumar, Adv.

: 4 :

Mrs. Priya Puri, Adv.

Mr.Vishal Gupta, Adv.
Mr.Rupinder Sheroen, Adv.
Mr.Aman Pal,Adv
for Mr.Ajay Pal, Adv

Mr.Dinesh C.Pandey,Adv.

Mr.Shiv Mangal Sharma, Adv.
Mr.Sitesh Narayan Singh, Adv.
For Ms.Sharmila Upadhyay, Adv.

Mr.Ajai Kumar Bhatia, Adv.
Mr.Jitender Kumar Bhatia, Adv.

Ms.Laxmi Arvind, Adv.

Mr.S.Chandra Shekhar,Adv.

Mr.Himanshu Shekhar, Adv.

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

C.A.Nos.6026-6027/2007:

The Civil Appeals are dismissed, in terms of the signed order.

SLP(C) NO. 10164 of 2006:

Leave granted.

Appeal is disposed of, in terms of the signed order.

SLP(C) NO. 121 of 2009:

Leave granted.

Appeal is disposed of, in terms of the signed order.

SLP(C) NO. 13916 of 2008:

Dismissed.

Question of law is kept open.

: 5 :

SLP(C) NO. 14444 of 2011:

Dismissed.

Question of law is kept open.

SLP(C) NO. 16018 of 2008:

List the matter after two weeks.

SLP(C) NO. 16066 of 2008:

Learned counsel for the insurance company is directed to file an appropriate affidavit indicating the service of notice on the contesting respondents within three weeks' time from today. List thereafter.

SLP(C) NO. 18540 of 2006:

Leave granted.

Appeal is disposed of, in terms of the signed order.

Civil Appeal NO. 1891 of 2008:

Fresh steps be taken in respect of the unserved respondents in two weeks' time finally.

SLP(C) NO. 19472 of 2008:

Dismissed.

Question of law is kept open.

SLP(C) NO. 19701 of 2009:

Leave granted.

Appeal is disposed of, in terms of the signed order.

SLP(C) NO. 2022 of 2008:

Leave granted.

Appeal is disposed of, in terms of the signed order.

SLP(C) NO. 21430-21431 of 2009

Dismissed.

Question of law is kept open.

: 6 :

SLP(C) NO. 21888-21889 of 2008:

List the matters on 13th November, 2013.

SLP(C) NO. 26470 of 2008:

Dismissed.

Question of law is kept open.

Civil Appeal NO. 4917 of 2008:

Appeal is dismissed, in terms of the signed order.

Civil Appeal NO. 6717 of 2004:

Appeal is dismissed, in terms of the signed order.

Question of law is kept open.

Civil Appeal NO. 673 of 2010:

Appeal is dismissed, in terms of the signed order.

Question of law is kept open.

SLP(C) NO. 7108 of 2008:

Fresh steps be taken in respect of unserved respondent nos.2,3 and 4 in two weeks' time finally.

Civil Appeal NO. 7861 of 2011 with
Civil Appeal NO. 7862 of 2011 and with
Civil Appeal NO. 7863 of 2011:

Civil Appeals are dismissed, in terms of the signed order.

(G.V.Ramana)
Court Master
(Signed orders are placed on the file)

(Vinod Kulvi)
Asstt.Registrar