

ITEM NO.204 COURT NO.4 SECTION XI
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10592/2006
(From the judgement and order dated 13/01/2006 in FAO No. 397/2002 of The HIGH COURT
OF Allahabad AT LUCKNOW)

NATIONAL INSURANCE CO. LTD Petitioner(s)

VERSUS

MAYAWATI & ORS. Respondent(s)
(With appln(s) for withdrawal and prayer for interim relief and office report))(For final disposal)

Date: 24/10/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

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

For Respondent(s) Mr. P.I. Jose, Adv.
Mr. Anupam Mishra, Adv.
Mr. Vivek Kandari, Adv.
Mr. Birendra Mishra, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

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

[Meenu Sethi] [Pushap Lata Bhardwaj]
A.R.-cum -P.S. Court Master

Signed order is placed on the file
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6528 OF 2008
(Arising out of S.L.P. (C) No.10592/2006)

National Insurance Co. Ltd. ...Appellant

Versus

Mayawati & Ors. ...Respondents

O R D E R

Leave granted.

Having heard learned counsel for the parties, we are of the opinion that the Tribunal having found that the driver of the vehicle in question did not possess an effective and valid licence and, therefore, while directing the appellant to pay the amount to the claimants on the premise that they were third parties and recover the same from the owner of the vehicle, the High Court while entertaining the appeal of the appellant could not have set aside that portion of the order. The impugned judgment, therefore, cannot be sustained.

It is stated at the Bar that a part of the awarded amount has been deposited before this Court which has been invested in a short term Fixed Deposit and a part thereof has been deposited before the M.A.C.T., Gonda apart from an amount of Rs.25,000/- deposited before the High Court by way of statutory deposit.

The claimant-respondents will be entitled to withdraw the aforementioned amount from this Court,tribunal as also the High Court.

-1-

However, it will be open to the Insurance Company to recover the amount deposited by it from the owner of the vehicle.

With the aforementioned observation and directions, the appeal is disposed of

.....J.

[S.B. SINHA]

[CYRIAC JOSEPH]

.....J

New Delhi,
October 24, 2008.

-2-