

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL No.6332/2025
[Arising out of SLP(C) No.17285/2022]**

NATIONAL INSURANCE COMPANY LTD.

APPELLANT

VERSUS

JYOTI DEVI @ JYOTI & ORS.

RESPONDENTS

ORDER

1. Leave granted.
2. This appeal, by the insurer, is directed against an interim order passed by the High Court in the insurer's appeal under Section 173 of the Motor Vehicles Act, 1988¹.
3. Owing to death of the son of the applicants 2 & 3/husband of the applicant no.1², an application was filed under Section 166 of the MV Act before the relevant Motor Accident Claims Tribunal³. An award came to be made for a sum of Rs.1.8 crore to be paid by the insurer to the claimants.
4. By the impugned interim order, execution of the award beyond Rs.75,00,000/- has been stayed till the next date of hearing of the appeal.
5. The grievance of the insurer is that the registration number of the

¹ MV Act

² claimants, collectively

³ MACT

offending truck was changed by the claimants after the application under Section 166 of the M.V. Act was filed. It is on this short ground that payment of even Rs.75,00,000/- in favour of the claimants is being resisted by the insurer by filing this appeal.

6. We are informed that during the pendency of the special leave petition, the father of the deceased-victim has passed away.

7. It is informed to us that before the fatal accident, a girl child was born to the deceased-victim and his wife.

8. In such view of the matter and having regard to the fact that the appeal is pending, we dispose of this appeal by directing as follows: -

(i) An amount of Rs.51,00,000/- shall be deposited by the appellant-insurer with the MACT, without prejudice to its rights and contentions in the pending appeal before the High Court; once such deposit is made, the MACT shall ensure that the same is invested in a fixed deposit account of a Nationalised Bank on auto renewal basis, subject to result of the appeal.

(ii) Rs.8,00,000/- each shall be paid in favour of the claimant no.1, the claimant no.2 and the daughter of the claimant no.1 and the deceased-victim. However, prior thereto, the said claimants 1 and 2 shall furnish an indemnity bond, indemnifying the insurer that in case the appeal is decided against them they shall return the amount received by them in terms of this order. The amount indicated shall be released within a period of a month from date of receiving the indemnity bond.

(iii) The earlier indemnity bond which was submitted by the claimant nos.1 and 2 shall be returned by the insurer.

9. This order is passed without prejudice to the rights and contentions of the

parties in the pending appeal before the High Court.

10. All points on merit are left open for a decision by the High Court.

11. The appeal is, accordingly, disposed of on the aforesaid terms. Pending application(s), if any, stand closed.

12. We request the High Court to decide the appeal in accordance with law as early as possible.

.....J.
(DIPANKAR DATTA)

.....J.
(MANMOHAN)

**New Delhi;
April 30, 2025.**

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 (C) No(s). 17285/2022

[Arising out of impugned final judgment and order dated 08-07-2022 in FAO No.2974/2022 passed by the High Court of Punjab & Haryana at Chandigarh]

NATIONAL INSURANCE COMPANY LTD.

Petitioner

VERSUS

JYOTI DEVI @ JYOTI & ORS.

Respondents

Date : 30-04-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) : Mr. Abhishek Kumar, Adv.
Mr. Nikhil Jain, AOR
Ms. Divya Jain, Adv.

For Respondent(s) : Mr. Akbar Siddique, AOR
Mr. Rajneesh Sharma, Adv.
Mr. Mohd Osama, Adv.
Mr. Mohammad Farman Ashraf, Adv.
Mr. Abdul Ahad, Adv.

Mr. Ritesh Khatri, AOR

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

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)
ASST. REGISTRAR-CUM-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

(signed order is placed on the file)