

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

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).14212/2020

(Arising out of impugned final judgment and order dated 31-10-2019 in MACAP No.915/2018 passed by the High Court Of Delhi At New Delhi)

THE ORIENTAL INSURANCE CO. LTD.

Petitioner(s)

VERSUS

ZAKIR HUSSAIN & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.61813/2020-CONDONATION OF DELAY IN FILING and IA No.61814/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.61817/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 13-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Ms. Archana Pathak Dave, AOR

For Respondent(s)

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

Delay condoned.

This special leave petition has been filed against the order of the High Court dated 31.10.2019 by which the High Court in the appeal, filed by the respondent, has enhanced the compensation from Rs.5,45,770/- to Rs.6,60,168/-.

Learned counsel for the petitioner submits that petitioner is essentially aggrieved by the latter portion of paragraph 8, which

is to the following effect:

"8....The said prosthetic shall have a lifetime warranty, that is, the insurer will pay for its maintenance and/or replacement throughout the life of the claimant. The insurer shall furnish the telephone nos. of two officers who could be contacted by the claimant in case of any difficulty with the prosthetic limb; the insurer shall itself enquire from the claimant about the upkeep of the said prosthetic, at least twice a year by the 5th day of each January and August and maintain records of the same."

It is submitted that above directions ought not to have been issued as there is no product for which lifetime warranty can be given.

We are of the view that in so far as the enhancement made by the High Court, there is no ground for any interference in this special leave petition. However, we delete the above quoted portion from paragraph 8 of the High Court judgment dated 31.10.2019. We have not issued notice to the respondent. We reserve liberty to the respondent to make an application, if he feels aggrieved by this deletion.

The special leave petition is disposed of accordingly.

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

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER