

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. of 2017
(arising out of SLP (C) No. 8383/2017)

SHANKARBHAI SOMABHAI HALPATI

Appellant

VERSUS

MOHMED RASHID BAJAJ AND ORS.

Respondents

O R D E R

Leave granted.

Heard Mr. Varun Mathur, learned counsel for the appellant, Mr. Sanjay Kumar Dubey, learned counsel for respondent no. 2 - the New India Assurance Company and Mr. Harsh Kumar, learned counsel for the respondent no. 5 - United India Assurance Company Ltd.

In the course of hearing, a suggestion was given regard being had to the permanent disability suffered by the appellant, whether enhancement of compensation granted by the Tribunal and further enhanced by the High Court, should be enhanced by Rs.5,60,000/- (Rupees five lakhs sixty thousand only). Mr. Varun Mathur, learned counsel for the appellant accepted the same. Learned counsel for the insurance companies left it to the discretion of this Court.

Having heard learned counsel for the parties, we think it appropriate that the cause of justice would best be served if the respondent-insurers deposit a sum of Rs.5,60,000/- (Rupees five lakhs sixty thousand only) before the Tribunal within three months hence, failing which they shall be liable for payment of interest at the rate of 9% per

annum from the date of application.

Needless to say, they shall deposit the amount in proportion, as directed by the Tribunal. After the amount is deposited, the same shall be disbursed in favour of the appellant upon proper identification, by the tribunal.

With the aforesaid modification in the award passed by the tribunal, which has been further modified by the High Court, the appeal stands disposed of. There shall be no order as to costs.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi;
November 28, 2017.

ITEM NO.8

COURT NO.1

SECTION III

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

Petition for Special Leave to Appeal (C) No. 8383/2017

(Arising out of impugned final judgment and order dated 01-04-2016 in FA No. 2627/2004 passed by the High Court Of Gujarat At Ahmedabad)

SHANKARBHAI SOMABHAI HALPATI

Petitioner

VERSUS

MOHMED RASHID BAJAJ AND ORS.

Respondents

Date : 28-11-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Mr. Varun Mathur, Adv.
Mr. Rahul Trivedi, Adv.

Mr. Prabodh Kumar, AOR

For Respondent(s)

for R-2 Mr. Sanjay Kumar Dubey, Adv.
Mr. Shuchi Singh, AOR
Mr. Devendra Kumar Shukla, Adv.
Mr. Rakesh Kr. Tewari, Adv.
Mr. Aditya Sharma, Adv.

For R-5

Mr. Harsh Kumar, Adv.
Mr. Naveen Kumar, Adv.
Mr. Binay Kumar Das, AOR

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

Leave granted.

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

Pending interlocutory applications, if any, stand disposed of.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)