

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.24087 OF 2017
(Arising out of S.L.P.(C) No.34537 of 2016)

Ravi Chander Mahajan

Appellant(s)

Versus

The New India Assurance Co. Ltd.
and Others

Respondent(s)

O R D E R

Leave granted.

Heard Mr. Shailinder Saini, learned counsel for the appellant and Mr. Abhishek Gola, learned counsel for the insurer.

In the course of hearing, we have been apprised that the amount awarded by the tribunal along with the interest had been deposited in the year 2004 and the same has been withdrawn by the claimants. Though there might be minor variation in the computation, keeping in view the facts and circumstances of the case and also taking note of the fact that the claimant is a septuagenarian, we are only inclined to direct that the amount that was deposited by the insurer before the tribunal would sub-serve the assertion made in the

claim petition, as a result of which, the claimant-appellant would not be required to refund any amount to the insurer.

Needless to say, our direction in the present case need not be treated as a precedent. We say so as we have passed this order keeping in view the special obtaining facts of the case.

The appeal is allowed to the extent indicated above. There shall be no order as to costs.

.....CJI.
[Dipak Misra]

.....J.
[Navin Sinha]

New Delhi
December 26, 2017.

ITEM NO.10

COURT NO.1

SECTION XIV

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(s) for Special Leave to Appeal (C) No.34537/2016

(Arising out of impugned final judgment and order dated 03-02-2016 in MACA No. 164/2004 passed by the High Court of Delhi at New Delhi)

RAVI CHANDER MAHAJAN

Petitioner(s)

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. AND ORS..

Respondent(s)

Date : 26-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Shalinder Saini, AOR
Mr. Manish Maini, Adv.

For Respondent(s) Mr. Abhishek Kr. Gola, Adv.
Mr. Prashant Khatana, Adv.
Mr. Sudhir Naagar, AOR

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

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)