

ITEM NO.18

COURT NO.1

SECTION IV

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

Civil Appeal No(s).5183/2017

RAJESH KUMAR & ANR.

Appellant(s)

VERSUS

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.

Respondent(s)

Date : 22-12-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
[VACATION BENCH]

For Appellant(s) Mr. M.S. Mangla, Adv.  
Mr. R.K. Gupta, Adv.  
Mr. S.L. Gupta, Adv.  
Ms. Aakansha Tiwari, Adv. for  
Mr. Shiv Sagar Tiwari, Adv. [AOR]

For Respondent (s) Ms. Suman Bagga, Adv. for  
Ms. Manjeet Chawla, Adv. [AOR]

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

Application for deletion of names of respondent nos.2 and 3 is allowed at the risk of the appellants.

The appeal is disposed of in terms of the signed order. There shall be no order as to costs.

(Subhash Chander)  
AR-cum-PS

(Jagdish Chander)  
Court Master

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5183 OF 2017

Rajesh Kumar & Anr. ....Appellants

Versus

Bajaj Allianz General Insurance Co. Ltd. ....Respondent

O R D E R

Heard Mr. M.S. Mangla, learned counsel for the appellants and Ms. Manjeet Chawla, learned counsel on behalf of respondent no.1-insurer.

In the course of hearing, a suggestion was given to Mr. Mangla, learned counsel for the appellants whether the claim put forth in the claim petition will stand satisfied if the amount, as awarded by the Motor Accident Claims Tribunal ('the tribunal') and as enhanced by the High Court, is further enhanced by Rs.2,50,000/- (Rupees two lac fifty thousand). Learned counsel for the appellants accepted the same. Learned counsel for respondent no.1-insurer, however, left it to the discretion of the Court.

Having heard learned counsel for the parties, we direct that the insurer shall deposit the enhanced amount before the tribunal within 12 weeks hence which shall be disbursed in favour of the appellant-claimants in accordance with law laid down by this Court in the case of General Manager, Kerala State Road Transport Corporation Trivandrum v. Susamma Thomas (Mrs.) & Ors. (1994) 2 SCC 176.

If the enhanced amount is not deposited within the stipulated time, it shall carry interest @ 9% p.a. from the date of

presentation of the application. If, however, it is deposited within time, no interest shall accrue on the same.

The appeal is disposed of in the above terms. There shall be no order as to costs.

.....CJI.  
[DIPAK MISRA]

.....J.  
[SANJAY KISHAN KAUL]

New Delhi.  
December 22, 2017.