

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(s).19087/2016

(Arising out of impugned final judgment and order dated 06-01-2016 in FAO No.954/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

SHER SINGH & ANR.

Petitioner(s)

VERSUS

MOHINDER SINGH & ORS.

Respondent(s)

Date : 12-12-2017 This petition 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. CHANDRACHUDFor Petitioner(s) Mr. Sanchar Anand, Adv.
Mr. Apoorv Singhal, Adv.
Mr. Rajiv Singhal, Adv.
Mr. Anant K. Vatsya, Adv.
Mr. Devendra Singh, Adv. [AOR]For Respondent Nos.1 to 3 Mr. Kamlesh Kumar Maurya, Adv.
Mr. Ravi Kumar Tomar, Adv. [AOR]No.4-Insurer Mr. Harsh Kumar, Adv.
Mr. Naveen Kumar, Adv.
Mr. Binay Kumar Das, Adv. [AOR]UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in part in terms of the signed order.

No order as to costs.

(Subhash Chander)
AR-cum-PS(H.S. Parasher)
Assistant Registrar

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.21818 OF 2017

[Arising out of S.L.P. (C)No.19087 of 2016]

Sher Singh & Anr.Appellants

Versus

Mohinder Singh & Ors.Respondents

O R D E R

Leave granted.

Heard Mr. Sanchar Anand, learned counsel for the appellants and Mr. Harsh Kumar, learned counsel for respondent no.4-insurer.

In the course of hearing, a suggestion was given to Mr. Anand, learned counsel appearing for the appellants whether the claim put forth in the claim petition will stand satisfied if the amount, as enhanced by the High Court, is further enhanced by Rs.6,50,000/- (Rupees six lac fifty thousand). Learned counsel for the appellants accepted the same. Learned counsel for the respondent-insurer, however, left it to our discretion.

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

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

The appeal is accordingly allowed in part. The award passed by the tribunal that has been modified by the High Court stands modified accordingly. No order as to costs.

.....CJI.
[DIPAK MISRA]

.....J.
[A.M. KHANWILKAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

New Delhi.
December 12, 2017.