

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2472 OF 2020  
(Arising out of SLP (C) No. 2828 of 2017)

MAGMA HDI GENERAL INSURANCE CO LTD

Appellant(s)

VERSUS

KULWINDER KAUR & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 2473 OF 2020  
(Arising out of SLP (C) No. 2852 of 2017)

O R D E R

Leave granted.

Heard learned counsel for the parties.

It is not in dispute that the appeal filed by the claimant(s) for enhancement of compensation amount is still pending before the High Court. In that case, the High Court ought to have heard the appeal(s) filed by the Insurance Company along with the cross appeal of the claimant(s) pertaining to the same accident.

Accordingly, we set aside the impugned judgment(s) and relegate the parties before the High Court for hearing the restored appeal(s) along with FAO No. 706 of 2018 pending before the High Court.

The High Court shall decide the remanded appeal(s) along with pending appeal of the claimant(s) on its own merits afresh including keeping in mind the recent decision of the Constitution Bench of this Court in National Insurance Co. Ltd. Vs. Pranay Sethi & Ors. reported in (2017) 16 SCC 680.

All contentions available to both the parties are left open.

We request the High Court to dispose of the appeal(s) expeditiously.

The appeals and pending application(s) are disposed of accordingly. No order as to costs.

.....J  
(A.M. KHANWILKAR)

.....J  
(DINESH MAHESHWARI)

.....J  
(SANJIV KHANNA)

New Delhi  
June 01, 2020

ITEM NO.24

Virtual Court 2

SECTION IV-B

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). 2828/2017

(Arising out of impugned final judgment and order dated 18-10-2016 in FAO No. 3234/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

MAGMA HDI GENERAL INSURANCE CO LTD

Petitioner(s)

VERSUS

KULWINDER KAUR &amp; ORS.

Respondent(s)

WITH

SLP(C) No. 2852/2017 (IV-B)

Date : 01-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Ms. Shanta Devi Raman, Adv.  
Mr. Garvesh Kabra, AOR

For Respondent(s)

Mr. Pramod Dayal, AOR  
Mr. Nikunj Dayal, Adv.

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

Leave granted.

The appeals and pending application(s) are disposed  
of in terms of the signed order.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)

[Signed order is placed on the file]

