

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.20933 OF 2017

(Arising out of SLP(C)No.23497 of 2017)

KUMAR B. K. VIBHAV

.....APPELLANT

VERSUS

ORIENTAL INSURANCE COMPANY LIMITED & ANR.

.....RESPONDENTS

O R D E R

Leave granted.

Heard Mr.C.M.Angadi, learned counsel for the appellant and Mr.Abhishek Gola, learned counsel for respondent No.1-Insurer.

In the course of hearing, a suggestion was given to the learned counsel for the appellant that if an additional compensation of Rs.7,00,000/- (Rupees seven lakhs only), over and above the amount awarded by the Tribunal and the High Court, is given to the appellant whether the claim be satisfied. Learned counsel for the appellant submitted that the appellant would be satisfied with the said additional compensation. Learned counsel for respondent No.1-Insurer left it to the discretion of the Court.

Having heard learned counsel for the parties and having perused the materials on record, it is directed that respondent No.1-Insurer shall deposit an additional compensation of Rs.7,00,000/- (Rupees seven lakhs only) before the Tribunal within

twelve weeks hence, failing which the enhanced amount shall carry interest at the rate of 9% per annum from the date of presentation of the application before the Tribunal.

In view of the above, the appeal is allowed. The award passed by the Tribunal that has been modified by the High Court stands modified accordingly. There shall be no order as to costs.

.....CJI.
(DIPAK MISRA)

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

.....J.
(Dr.D.Y.CHANDRACHUD)

NEW DELHI;
DECEMBER 6, 2017.

ITEM NO.16

COURT NO.1

SECTION IV-A

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). 23497/2017

(Arising out of impugned final judgment and order dated 04-04-2017 in MFA No. 25395/2011 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

KUMAR B. K. VIBHAV

Petitioner(s)

VERSUS

ORIENTAL INSURANCE COMPANY LIMITED & ANR.

Respondent(s)

(Mr. Abhishek Kumar, Advocate for Respondent No. 1.)

Date : 06-12-2017 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. CHANDRACHUD

For Petitioner(s) Mr.C.M.Angadi, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr.Abhishek Gola, Adv.
Mr.Viresh B.Saharya, Adv.
Mr.Akshat Agarwal, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order. The award passed by the Tribunal that has been modified by the High Court stands modified accordingly. There shall be no order as to costs.

(Chetan Kumar)
Court Master

(H.S.Parasher)
Assistant Registrar

(Signed order is placed on the file)