

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).23946/2017

(Arising out of impugned final judgment and order dated 13-12-2016 in MFA No.100364/2014 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

PADMAVATHI AND ORS.

Petitioner(s)

VERSUS

THE DIVISIONAL MANAGER AND ORS.

Respondent(s)

(IA No.79640/2017-CONDONATION OF DELAY IN FILING)

Date : 05-02-2018 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) Ms. Rekha Patil, Adv.
Mr. H. Chandra Sekhar, Adv. [AOR]For Respondent No.1 Mr. Manish Pratap Singh, Adv.
Dr. Nafis A. Siddiqui, Adv. [AOR]

Nos.2 & 3 Not represented.

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

Heard Ms. Rekha Patil, learned counsel for the petitioners and Mr. Manish Pratap Singh, learned counsel for the respondent no.1-insurer.

The only grievance raised by the petitioners is that the High Court should have been well advised to direct the insurer to 'pay and recover'.

For the aforesaid purpose, reliance has been placed on a judgment of this Court in the case of *Manuara Khatun & Ors. Etc. v. Rajesh Kumar Singh & Ors.* (2017) 4 SCC 796.

Mr. Singh, learned counsel for respondent no.1-insurer has seriously opposed the prayer on the ground that the petitioners were not entitled to the benefit.

Keeping in view the special features of the case, we think it appropriate, in this particular case, to invoke the principle of 'pay and recover' and accordingly we direct the respondent no.1-insurer to pay the amount as directed in the award and recover the same from the owner.

With the aforesaid modification in the order passed by the High Court, the Special Leave Petition stands disposed of. No order as to costs.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar