

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2486 OF 2020
(Arising out of SLP (C) No. 23218/2017)

DEVENDRAPPA

Appellant(s)

VERSUS

**THE BRANCH MANAGER NATIONAL INSURANCE CO.
LTD. & ORS.**

Respondent(s)

O R D E R

1) Leave granted.

2) Having heard the learned counsel for all parties, the impugned judgment dated 30.05.2017 has, on a basis not pleaded in the written statement of the insurance company, set aside the well considered judgment of the trial Court dated 21.07.2011. On this ground alone, we allow the appeal and set aside the impugned High Court judgment and restore that of the learned Senior Civil Judge dated 21.07.2011.

3) The appeal is allowed accordingly.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(NAVIN SINHA)

..... J.
(B.R. GAVAI)

**New Delhi;
June 02, 2020.**

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). 23218/2017

(Arising out of impugned final judgment and order dated 30-05-2017 in MFA No. 20331/2012 passed by the High Court Of Karnataka Circuit Bench At Dharwad)

DEVENDRAPPA

Petitioner(s)

VERSUS

THE BRANCH MANAGER NATIONAL INSURANCE CO. LTD. & ORS. Respondent(s)

Date : 02-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE B.R. GAVAIFor Petitioner(s) Mr. Manjunath, Adv.
Mr. Anil Kumar, AORFor Respondent(s) Mr. Amit Kumar Singh, AOR
Mrs. K. Enatoli Sema, Adv.Mr. Ashwin Kotemath, Adv.
Mrs. S. Usha Reddy, AORUPON 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.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)