

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11053 OF 2017

(Arising out of S.L.P. (C) No. 30923 of 2015)

M. MAHADEVAPPA & ANR.

Appellant (s)

VERSUS

BRANCH MANAGER THE NEW INDIA ASSURANCE CO. LTD. & ANR. Respondent(s)

O R D E R

- 1) Leave granted.
- 2) Heard the learned counsel appearing for the parties.
- 3) The decision contained in Mukund Dewangan vs. Oriental Insurance Company Limited, 2017 (7) Scale 731 covers the dispute in the present case. As a result of applying the aforesaid judgment, the impugned judgment dated 02.06.2015 is set aside.
- 4) The appeal is accordingly allowed and the original decree passed by the Civil Judge making the owner, driver and the insurance company jointly liable is, therefore, reinstated.

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

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
August 28, 2017.

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). 30923/2015

(Arising out of impugned final judgment and order dated 02-06-2015 in MFA No. 7949/2011 passed by the High Court Of Karnataka At Bangalore)

M. MAHADEVAPPA & ANR.

Petitioner(s)

VERSUS

BRANCH MANAGER THE NEW INDIA ASSURANCE CO. LTD. & ANR. Respondent(s)

Date : 28-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. S.L. Gupta, Adv.
Mr. S.P. Jain, Adv.
Mr. Kuldeep Singh Tomar, Adv.
Mr. Varinder Kumar Sharma, AOR
Mr. Himanshu Gambhir, Adv.
Mr. Bhanu Pratap Singh, 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.

(R. NATARAJAN)
COURT MASTER(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)