

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 2982 OF 2017
[@ SPECIAL LEAVE PETITION (C) No. 32470 OF 2015]

SUJA GEORGE AND ORS. Appellant(s)

VERSUS

NATIONAL INSURANCE CO. LTD. AND ANR. Respondent(s)

J U D G M E N TKURIAN, J.

1. Leave granted.
2. The appellants are aggrieved since they are not getting adequate compensation in respect of a claim arising out of a motor accident, in which the first appellant's husband expired.
3. When the matter came up before this Court on 09.02.2017, this Court passed the following order :-

"Having regard to Annexure P6 document and having regard to the other contentions regarding the Income Tax Returns of the deceased, prima facie we are of the view that the petitioners are entitled for some enhancement, in any case. What is taken into consideration by

the Tribunal and the High Court is the monthly income as Rs.27,219/- whereas going by Annexure P6 document, which was admitted by the High Court, the monthly income prior to the death of the deceased was Rs.33,037/- and in the Income Tax Return filed the income is for Rs.37,477/-.

Be that as it may, since the parties have had already two rounds of litigation, we suggested, whether the petitioners will be agreeable to have a lump sum additional compensation. Suggestion was for an amount of Rs.10,00,000/- (Rupees Ten Lacs) without interest. Learned counsel for the respondents to get instruction regarding the same....."

4. Today, we are informed that the Insurance Company is willing to give Rs. 9,00,000/- (Rupees Nine Lakhs) in full and final settlement of the claim of the appellants, in the peculiar facts of this case and that the payment can be made within eight weeks.

5. The learned counsel for the appellants submits that in view of the offer thus made by the Insurance Company, the appeal can be disposed of.

6. Thus, the appeal is disposed of, directing the first respondent - Insurance Company to pay an amount of Rs. 9,00,000/- (Rupees Nine Lakhs) in full and final settlement of the entire claims of the appellants within a period of eight weeks from today.

7. It is reported that Appellant No. 4 (father) is no more. Hence, the above amount shall be paid by the Insurance Company to Appellant Nos. 1 to 3.

8. Needless to say that this offer is in addition to the entire benefits due to the appellants in respect of the Judgment under appeal.

.....J.
[KURIAN JOSEPH]

.....J.
[A. M. KHANWILKAR]

New Delhi;
February 17, 2017.

ITEM NO.48

COURT NO.7

SECTION XIA

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). 32470/2015

(Arising out of impugned final judgment and order dated 01/04/2015 in MACA No. 2568/2012 passed by the High Court Of Kerala At Ernakulam)

SUJA GEORGE AND ORS.

Petitioner(s)

VERSUS

NATIONAL INSURANCE CO. LTD. AND ANR.

Respondent(s)

(with office report)

Date : 17/02/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Roy Abraham, Adv.
Ms. Reena Roy, Adv.
Ms. Seema Jain, Adv.
Mr. Dushant Mahant, Adv.
Mr. Himinder Lal, Adv.

For Respondent(s) Mr. Sanjay Kumar Dubey, Adv.
Ms. Shuchi Singh, Adv.
Mr. Devendra Kumar Shukla, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. C. K. Pandey, Adv.

Mr. Haris Beeran, Adv.
Mr. Mushtaq Salim, Adv.
Mr. Usman Khan, Adv.
Mr. Dev Prakash, Adv.
Mr. Radha Shyam Jena, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed
non-reportable Judgment

Pending interlocutory applications, if any, stand disposed
of.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar

(Signed non-reportable Judgment is placed on the file)