

ITEM NO.10

COURT NO.4

SECTION IVA

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).
30773-30775/2016

(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 20/03/2015
IN MA NO. 512/2004 AND MA NO. 589/2004 AND DATED 06/11/2015 IN RP
NO. 67/2015 PASSED BY THE HIGH COURT OF CHHATISGARH AT BILASPUR)

BIHARILAL

PETITIONER(S)

VERSUS

ORIENTAL INSURANCE COMPANY LTD. AND ORS.
(WITH OFFICE REPORT)

RESPONDENT(S)

Date : 06/04/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Ravindra Shrivastava, Sr. Adv.
Mr. Navin Prakash, Adv.
Mr. Anshuman Shrivastava, Adv.
Ms. Ruchi Sahay, Adv.
Ms. Akanksha Sisodia, Adv.

For Respondent(s)

Ms. Priya Hingorani, Adv.
Ms. Amreeta Swaroop, Adv.
Mr. Chandra Bhushan Prasad, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed
order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4894-4896 OF 2017
[Arising out of Special Leave Petition
(Civil) No.30773-30775/2016]

BIHARILAL

...APPELLANT

VERSUS

ORIENTAL INSURANCE COMPANY LTD.

AND ORS.

...RESPONDENTS

ORDER

1. Leave granted.
2. We have heard the learned counsels for the parties.
3. The materials on record, particularly, Marg Intimation Report dated 17th November, 2001 (D.D. No.696) [Annexed at Annexure P-14 to the I.A. for permission to file additional documents in the Appeal Paper Books) would indicate that the present is a case where the deceased was a gratuitous passenger. If that is so, it is

the owner and not the Insurer who would be liable. However, taking into account the consistent approach adopted by this Court in cases of breach of the terms of the Insurance Policy we direct that the awarded amount of Rs.12,67,136/- minus Rs.3,00,000/- lying in deposit (made by the appellant) before the learned Tribunal be paid by the Insurer along with interest as ordered by the High Court. The Insurer will have a right of recovery of the said amount from the appellant - owner. The amount in deposit in the learned Tribunal [Rs.3,00,000/- (Rupees three lakh)] shall be paid to the claimant(s) by the learned Tribunal forthwith upon due identification. The rest of the awarded amount shall be paid to the claimant(s) by the Insurer along with interest within six weeks from today with a right to recover the said amount from the appellant - owner.

4. With the aforesaid modification of the orders of the High Court, the appeals are disposed of.

.....,J.
(RANJAN GOGOI)

.....,J.
(NAVIN SINHA)

NEW DELHI
APRIL 06, 2017