

ITEM NO.42

COURT NO.12

SECTION IX

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) Nos.29751-29752/2018

[Arising out of impugned final judgment and orders dated 09-07-2018 in FA No. 22/2017 & FA No. 104/2016 passed by the High Court of Judicature at Bombay at Goa]

NATIONAL INSURANCE CO. LTD.

Petitioner(s)

VERSUS

UMESH M. KHOLKAR (DEAD) THROUGH LRS. & ORS.

Respondent(s)

WITH

SLP(C) No. 3301-3302/2025 (IX)

SLP(C) No. 2954-2955/2020 (IX)

(IA No.8327/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 8327/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 17-02-2025 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) Mr. M C Dhingra, Sr. Adv.
Mr. Md. Shahid Anwar, AOR
Mr. Syed Rehan, Adv.
Mr. Vinamra Singhal, Adv.

Ms. Hetu Arora Sethi, AOR
Mr. Abhimanyu Verma, Adv.

Mr. Syed Abdul Haseeb, AOR

Mr. Salvador Santosh Rebello, AOR
Mr. Gautam Sharma, Adv.
Mr. Raghav Sharma, Adv.
Ms. Kritika, Adv.
Mr. Jaskirat Pal Singh, Adv.
Ms. Pooja Gill, Adv.

For Respondent(s) Mr. Salvador Santosh Rebello, AOR
Mr. Gautam Sharma, Adv.

Mr. Raghav Sharma, Adv.
Ms. Kritika, Adv.
Mr. Jaskirat Pal Singh, Adv.
Ms. Pooja Gill, Adv.

Mr. Ritesh Kumar, AOR

Mr. M C Dhingra, Sr. Adv.
Mr. Md. Shahid Anwar, AOR
Mr. Syed Rehan, Adv.
Mr. Vinamra Singhal, Adv.
Mrs. Maheep Kaur Dogra, Adv.

M/S. Manoj Swarup And Co., AOR

Ms. Hetu Arora Sethi, AOR

Mr. J.P.N.shahi, Adv.
Mr. Shikhar Prakash, Adv.
Mr. Rameshwar Prasad Goyal, AOR

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

Heard learned counsel/senior counsel for the parties.

This matter relates to a Motor Accident Claim. Separate appeals were preferred against the award passed by the Motor Accident Claims Tribunal at Panaji (for short "the Tribunal"), by the Insurance Company [SLP (C) No. 29751-29752/2018], the owner and driver of the vehicle [SLP (C) No. 2954-2955/2020] and the respondents herein [SLP (C) No. 3301-3302/2025].

The brief facts of the case are that the son of the respondent no.1 (Umesh M.Kholkar-since deceased) and respondent no.2 (Nita U.Kholkar) in SLP(C)Nos.29751-29752/2018 met with an accident on 13.08.2010 and later succumbed to his injuries. A claim petition has been filed before the Tribunal whereby an award of Rupees Rs.18,53,000/- along with interest of 9% per annum has been awarded by the Tribunal and the liability was fixed jointly and severally

between the insurance company (petitioner in Nos.29751-29752/2018) and the owner and driver of the vehicle(petitioners in SLP(C) Nos.2954-2955/2020). The matter was taken up in appeal and the High Court increased the compensation to Rs.30,54,000/- with interest of 9% per annum primarily on enhancement of income as well as on the future prospects. This order has been challenged by the insurance company, owner and driver of the vehicle. The claimants have also filed the petition (SLP(C) No. 3301-3302/2025) before this Court as they are not satisfied with the order of the High Court.

We see no reason to interfere with the well-considered order(s) passed by the High Court. In our considered opinion, the High Court rightly considered enhancing the compensation amount.

Under these circumstances, we see no scope for our interference, in exercise of our jurisdiction under Article 136 of the Constitution of India.

The present petitions are, accordingly, dismissed along with pending application(s), if any.

(NIRMALA NEGI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR