

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4055 OF 2007

UNITED INDIA INSURANCE COMPANY LTD.

Appellant(s)

:VERSUS:

BABU RAM THAKUR & ANR.

Respondent(s)

O R D E R

1. Heard the learned counsel for the appellant.
2. This appeal is directed against the judgment and order dated 19th April, 2006 passed by the National Consumer Disputes Redressal Commission, New Delhi in First Appeal No.206 of 1997.
3. Learned counsel appearing for the appellant submits that this case is covered by a decision of this Court in National Insurance Co. Ltd. Vs. Laxmi Narain Dhut, (2007) 3 SCC 700. Learned counsel for the appellant has relied upon paragraphs 36 to 38 of

that judgment where it is mentioned that the decision in National Insurance Co. Ltd. Vs. Swaran Singh and Ors., (2004) 3 SCC 297, has no application to cases other than third-party risks. It is further mentioned therein that in case of third-party risks the insurer has to indemnify the amount, and if so advised, to recover the same from the insured.

4. In view of the judgment of this Court in the case of Laxmi Narain Dhut (supra), this appeal is allowed. However, in the peculiar facts and circumstances of this case, we direct that whatever amount has been paid to the respondents by the appellant, shall not be recovered from them.

JUDGMENT.....J
(DALVEER BHANDARI)

.....J
(DIPAK MISRA)

New Delhi;
February 28, 2012.