

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5324 OF 2008
(Arising out of SLP(C)No.15080 OF 2007)

SUMATHI AND ORS. ... APPELLANT(S)

:VERSUS:

N. BALAKRISHNAN AND ANR. ... RESPONDENT(S)

ORDER

Leave granted.

Appellants filed an application claiming compensation for a sum of Rs. 25 lakhs in terms of Section 166 of the Motor Vehicles Act, 1988. An award for a sum of Rs.9,79,020/- was made. Against the award of the Motor Accidents Claims Tribunal, both the parties preferred separate appeals before the High Court.

The appeal preferred by the New India Assurance Company Ltd. was dismissed. However, in the said appeal the appellants were not represented.

The appeal preferred separately by the appellants herein was, however, dismissed only on the ground that the Insurance Company's appeal had been dismissed. As the appellants were not represented in the appeal preferred by the Insurance Company, we would, while setting aside the impugned judgment, direct the High Court to decide the appeal preferred by the appellants afresh on its own merits, as expeditiously as possible.

The appeal is disposed of accordingly.

**.....J
(S.B. SINHA)**

**.....J
(CYRIAC JOSEPH)**

**NEW DELHI,
AUGUST 25, 2008.**