

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7805 OF 2002

NATIONAL INSURANCE COMPANY LTD.
T(S)

.....APPELLANT

Versus

BHUKYA TARA & ORS.
(S)

.....RESPONDENT

WITH C.A.NO.7804 OF 2002 & C.A. NO.8332 OF 2002

ORDER

These appeals have been filed by the insurance company against the award passed by the tribunal and affirmed by the High Court. It is not disputed that the deceased was travelling in a goods vehicle. Therefore, the cases in hand are squarely covered by the decision of three-Judge Bench of this Court rendered in New India Assurance Co. Ltd. Vs Asha Rani & Ors., (2003) 2 SCC 223.

The appeals are allowed. The orders of the tribunal and of the High Court are set aside. However, if any compensation has actually been paid to the respondent as of today, the same shall not be recovered. We further clarify that if any amount deposited before the tribunal is still not paid to the claimant, the same shall be refunded to the appellant.

.....J.
(H.K. SEMA)

New Delhi;
May 08, 2008.

.....J.
(MARKANDEY KATJU)