

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(Arising out of SLP (C) No. 27072 of 2024)

PARAMESHWAR SUBRAY HEGDE

... APPELLANT

VERSUS

NEW INDIA ASSURANCE CO. LTD. & ANR

... RESPONDENTS

O R D E R

1. Leave granted.

2. Arising out of the judgment of the High Court dated 18.04.2017 passed in MFA No. 103716 of 2015 setting aside the award dated 20.08.2015 of the 1st Additional District & Sessions Judge, Sirsi in M.V.C. No. 121 of 2014 directing to pay Rs.40,000/- in a case of grievous injury along with interest at the rate of 6% per annum

from the date of the claim petition, the present appeal has been filed.

3. On perusal of the findings recorded in the judgment of the High Court, it is clear that because of the change of make of the vehicle, i.e., TATA Sumo in place of TATA Spacio, the claim as allowed by the Tribunal has been rejected by setting aside the award.

4. After hearing learned counsel for the parties and looking to the fact that the registration number of the offending vehicle is KA-31/6059, was found involved in the criminal case which is one and the same, the finding of the High Court cannot be sustained. Even mere mis-description of the make of the vehicle could not have been treated as consistency or a ground to dismiss the claim petition itself, particularly when there is no

change in the registration number of the offending vehicle. Therefore, impugned judgment of the High Court deserves to be set aside.

5. Reverting on the issue of grant of compensation, it is seen that the claimant had not preferred any appeal before the High Court challenging the adequacy of the award passed by the Tribunal. Therefore, we restore the compensation as directed by the Tribunal i.e., Rs.40,000/- (Rupees forty thousand only) along with interest.

6. It is to observe that for the period of delay in approaching this Court (1052 + 328 = 1380 days), the claimant would not get interest on the said amount

and the compensation is directed be paid by the first respondent-insurer with interest excluding reducing the period referred to above.

7. In view of the above, the appeal stands disposed of.

8. Pending applications, if any, stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ARAVIND KUMAR]

New Delhi;
February 10, 2025.

ITEM NO.36

COURT NO.6

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 27072/2024

[Arising out of impugned final judgment and order dated 18-04-2017 in MFA No. 103716/2015 passed by the High Court of Karnataka Circuit Bench at Dharwad]

PARAMESHWAR SUBRAY HEGDE

Petitioner(s)

VERSUS

NEW INDIA ASSURANCE CO. LTD. & ANR.

Respondent(s)

(IA No. 184190/2023 - CONDONATION OF DELAY IN FILING IA No. 184191/2023 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 10-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) :Mr. Manjunath Meled, Adv.
Mrs. Vijayalaxmi Udupudi, Adv.
Mr. Ganesh Kumar R., AOR

For Respondent(s) :Mr. Amit Kumar Singh, AOR
Ms. K Enatoli Sema, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Kailas Bajirao Autade, AOR
Mr. Prasad Hegde, Adv.
Mr. Gn Hegde, Adv.

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

1. leave granted.
2. The appeal stands disposed of in terms of the signed

order.

3. Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
COURT MASTER

(Signed order is placed on the file)