

ITEM NO.10 Court 8 (Video Conferencing)

SECTION XI

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). 15160/2020

(Arising out of impugned final judgment and order dated 19-02-2020 in FAFO No. 551/2015 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

ORIENTAL INSURANCE CO. LIMITED

Petitioner(s)

VERSUS

HARISHIT SRIVASTAVA @ UMANG & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.130315/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 05-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. A.K. Singla, Sr. Adv.
Mr. Abhishek Gola, Adv.
Mr. Viresh B. Saharya, AOR
Mr. Akshat Agarwal, Adv.

For Respondent(s)

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

Learned counsel for the petitioner contends that there is a conflict of decisions of the High Court on the issue in question and the Calcutta High Court opined to the contrary. The appeal preferred against the judgment of the Calcutta High Court being Civil Appeal No.2925/2009 (*Srikanta Tiwari v. New India Assurance Co. Ltd.*), the Court dismissed the appeal but left the question of law open.

In the factual scenario, the person who has been held responsible for the accident was the person driving the vehicle whose wife died in the incident and the minor children are the claimants arraying father as a respondent. The question thus, is whether the owner himself can be a recipient of the compensation under his own policy, if he is at fault.

Issue notice.

Insofar as interim relief is concerned, the amount is stated to be deposited with the High Court. We are of view that $\frac{2}{3}$ rd of the amount be released to the two children who were then minors while $\frac{1}{3}$ rd of the amount will be retained with the High Court in an FDR bearing interest.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR